# *Report to the Auburn City Council*

Action Item

Agenda Item No. 8

City Manager's Approval

| | |
|---|---|
| **To:** | Mayor and City Council Members |
| **From:** | Lance E. Lowe, AICP, Associate Planner |
| **Date:** | March 28, 2011 |
| **Subject:** | A Public Hearing to Consider an Appeal of the Planning Commission's Approval of a Height Variance Extension for a 78 foot Monopine Cellular Tower located at 169 Borland Avenue in the Industrial (M-2) Zone – (File # VA 09-4) |

## ***The Issue***

Should the City Council deny the appeal, thereby affirming the Planning Commission's approval of the Height Variance Extension for a 78 foot Monopine Cellular Tower, or should the City Council approve the appeal, thereby overturning the Commission's approval of the project?

## ***Conclusions and Recommendation***

Based upon the public hearing discussion and the Planning Commission's approval(s), Staff recommends that the City Council take the following action:

A. By Resolution (**Exhibit A**) deny the appeal thereby affirming the Planning Commission's approval of the Borland Avenue Monopine Variance Extension as presented, or as modified by the City Council, which includes the following actions:

1. Adoption of a Negative Declaration, prepared for the Height Variance as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;

2. Adoption of Findings of Fact for approval of the Height Variance as presented in the Council Report; and,

3. Approval of the Height Variance in accordance with the Conditions of Approval, as amended by the Planning Commission, and presented in the Council Report.

This motion may also be adjusted if the Council wishes to grant the appeal in part and order changes to the project, such as alteration of the conditions of approval.

***Alternative Motion (Denial)***

B. By Resolution uphold the appeal, based upon substantial evidence in the public record, thereby denying the Borland Avenue Monopine Variance Extension and direct staff to prepare appropriate findings and resolutions for City Council consideration at the next available City Council meeting. Denial requires a Council conclusion that findings for denial can be made and supported by substantial evidence in the record.

***Project Description***

The project consists of a Height Variance Extension for a proposed 78 foot monopine cellular tower with twelve – ±8 foot panel antennae at an approximate 70 foot centerline and two – ±2 foot microwave antennae at an approximate 60 foot centerline. A Height Variance is required since the maximum height of structures permitted in the Industrial (M-2) Zone is forty (40) feet. AT&T is also proposing to locate nine (9) Base Transceiver Station (BTS) cabinets and associated utilities within a 30 by 40 (1,200 sq. ft.) foot leased area. The leased area will be secured by a six (6) foot chain linked fence. The six (6) foot chain link fence includes brown vinyl slates for screening. The antennae and mounts will be painted to match the color of the proposed monopine. The proposed monopine pole and antennae will be painted brown while the branches will be green in color (**Attachment 6** – *Project Plans of November 8, 2010 City Council Staff Report*). A materials sample board will be presented at the City Council public hearing.

Access to the proposed cellular tower will be from the existing driveway on Borland Avenue. An approximate eighteen foot access and utility easement connecting to Borland Avenue is being reserved on the south end of the property to the rear of the lease area.

Photo simulations have been prepared for the proposed monopine cellular tower. The photo simulations are attached as **Attachment 7** *of November 8, 2010 City Council Staff Report.*

A Search Ring was prepared for the site which is attached as **Attachment 8** *of November 8, 2010 City Council Staff Report.* The results of the search ring indicate that the site will provide better coverage around the State Hwy 49 area from Oakwood Drive to Canyon Drive. Coverage will also be improved on Borland Avenue running north-south between Electric Street and Virginia Street. Improved coverage on High Street and Lincoln Way to the south and small businesses on surrounding streets is also anticipated.

Radio Frequency (RF) Analyses were also prepared by Evan Wappel dated September 29, 2009 and by Hammett & Edison, Inc., dated November 8, 2010 for the project site. The analyses consists of a review of the proposed site conditions, calculation of the estimated RF field strength of the antennae, and the provision of a comparison of the estimated field strength with the Federal Communication Commission (FCC) standards. The conclusion of both the Radio Frequency Analyses was that the project will comply with the FCC standards for limiting public exposure to radio frequency energy and, therefore will not cause a significant impact on the environment (**Attachment 9** and **Exhibit B** *of November 8, 2010 City Council Staff Report*).

***Background/History***

On November 8, 2010, after receiving public testimony, the City Council unanimously (Motion: Nesbitt; Seconded: Kirby; Ayes: Holmes, Kirby, Nesbitt; & Powers; Absent: Hanley) continued the Borland Avenue Monopine Variance Extension Appeal till November 22, 2010 and requested the applicant to consult with the neighbors to discuss concerns expressed (**Attachment 1 – *January 10, 2011 City Council Staff Report - Excerpt City Council Minutes dated November 8, 2010).***

Subsequent to the City Council's continuance of the project on November 8, 2011, the applicant met with the Borland Avenue neighbors to consider their concerns. The Borland Avenue neighbors recommended that AT&T look for alternative sites to meet AT&T's coverage objectives. Of the eight (8) additional sites considered by AT&T, three (3) of the sites were suggested by neighbors (See alternative site analysis discussion below).

On November 17, 2010, the public hearing on November 22, 2010 was continued to January 10, 2011 and was continued again on January 10, 2011, at the request of AT&T.

Please refer to the November 8, 2010 City Council staff report for discussion of: Relocation; Foundation Design; Notification Requirements; Aesthetics; Radio Frequency (RF) Impacts; Co-locations; and, Wireless E-911 Services, which were discussed at the Planning Commission public hearing.

Please refer to the January 10, 2011 City Council Staff Report for discussion of: Other candidate sites considered by AT&T; Number and location of Cellular facilities in proximity to the proposed coverage area; and, Cellular sites approved in the City, including proximity to Residential areas.

Subsequent to the requested January 10, 2011 City Council continuance, AT&T conducted a community meeting on March 16, 2011, in which approximately ±25 persons attended, according to AT&T.

***Analysis***

To address comments and/or concerns expressed by individuals and the City Council at the November 8, 2010 City Council meeting, AT&T provided additional materials consisting of an Alternatives Site Analysis, Radio Frequency (RF) Addendum; and, revised Site Plan with landscaping.

A brief discussion of the Alternative Site Analysis; Radio Frequency (RF) Addendum; and, revised Site plans are provided below for City Council consideration:

**Alternative Site Analysis**

AT&T has maintained that a gap in coverage exists in eastern Auburn, including portions of Downtown, Interstate 80, Highway 49 and the American River Canyon. To document the existing gaps in coverage AT&T performed a "drive test" using a special designed car to record the strength of AT&T's signal within the service area. Once the "drive test" was complete

determining existing service, AT&T performed an additional "drive test" using a mobile wireless facility consisting of a vehicle with a telescoping pole with antennas extended to the proposed height required to achieve the operational objectives. According to AT&T, an estimated seven-hundred-eleven (711) AT&T users within the service area would have improved coverage from the Borland Avenue site. Discussion of AT&T's coverage objectives are contained on pages 3 through 6 of the Alternatives Site Analysis which is attached herewith as **Attachment 1.**

The Alternatives Site Analysis investigated eight (8) alternative site locations, including: 1125 Lincoln Way; 649 Lincoln Way; Robie Drive; 275 Orange Street; 343 Sacramento Street; 132 Borland Avenue; 141 Borland Avenue; and, 155 Borland Avenue. The alternative sites considered are discussed on pages 9 through 20 of the Alternatives Site Analysis.

**Radio Frequency Analysis**

AT&T also prepared an Addendum to the Radio Frequency (RF) analysis submitted previously by Hammett & Edison, Inc., dated November 8, 2010. The addendum includes an analysis of AT&T's proposed facilities as well as future co-locations that may be added to the site. The addendum to the RF analysis also provides the estimated RF impacts at adjoining property lines resulting from AT&T's facilities as well as the cumulative RF impacts resulting from future co-locations. The Radio Frequency Addendum is attached herewith as **Attachment 2.**

The conclusions of the RF Addendum dated March 16, 2011 state that the proposed facility:

> "....will comply with the prevailing standards for limiting public exposure to radio frequency energy and therefore, will not cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations."

**Revised Site Plan**

AT&T has also provided an addendum to the site plan by proposing the restoration of Oleanders and the addition of two (2) 25-gallon Atlas Cedar Pine trees adjacent to the appellant's (O.C. Taylor) property (**Attachment 3**). According to Sunset "*The Western Garden Book*" Atlas Cedar Pine Trees are slow to moderate growth trees with growth rates of approximately ±1 foot per year. Atlas cedar trees reach a height of ±60 feet. Growth is less spreading than other true cedars, but still grows to an approximate 30-foot diameter.

***Environmental Determination***

An Initial Study (Environmental Checklist) was prepared to examine potential areas of impact resulting from this project. The Auburn Community Development Department has reviewed this project for compliance with the California Environmental Quality Act (CEQA) and determined that a Negative Declaration is the appropriate level of environmental review for the project. Public notice of "Intent to Adopt a Negative Declaration" and Notice of Public Hearing for the project was prepared and posted pursuant to the CEQA Guidelines and State law. The Negative Declaration was distributed to Responsible and Trustee Agencies for a 20-day public review

period commencing on January 8, 2010 (**Attachment 13** *of November 8 City Council Staff Report*).

In lieu of providing all of the attachments previously contained in the prior staff reports, attached herewith as **Attachment 4**, the applicant has provided a comprehensive package of project materials substantiating the determinations contained in the Negative Declaration. All of the materials have concluded that the project, as proposed, will not have a Significant Impact on the Environment.

***Alternatives Available to Council; Implication of Alternatives***

Upon receiving public testimony, the City Council may choose the following alternatives:

A. Deny the appeal and adopt the attached resolution with findings and conditions approving the project; or,

B. Direct staff to prepare findings and a resolution by which the Council may approve the appeal, thereby overturning the Planning Commission's decision to approve the monopine Height Variance Extension, and continue the item to a later meeting at which those findings and that resolution may be considered.

***Fiscal Impacts***

Fiscal impacts related to the appeal may stem from further challenge from the appellant and/or other individuals. However, the applicant shall defend, indemnify and hold harmless the City, from and against any claim resulting from the project.

The appellant has paid the $100.00 fee for processing of the appeal request.

***Additional Information***

Please see the following Exhibits for more details:

**ATTACHMENTS**

**Attachment 1 –** Alternatives Site Analysis
**Attachment 2 –** Radio Frequency (RF) Addendum dated March 16, 2011
**Attachment 3 –** Revised Site Plan dated March 10, 2011
**Attachment 4 –** Project Reports

**EXHIBIT**

**Exhibit A –** City Council Resolution No. 10-___ which includes Findings of Fact and Conditions of Approval

# EXHIBITS ON FILE WITH THE CITY CLERK & PROVIDED TO CITY COUNCIL PREVIOUSLY UNDER SEPARATE COVER

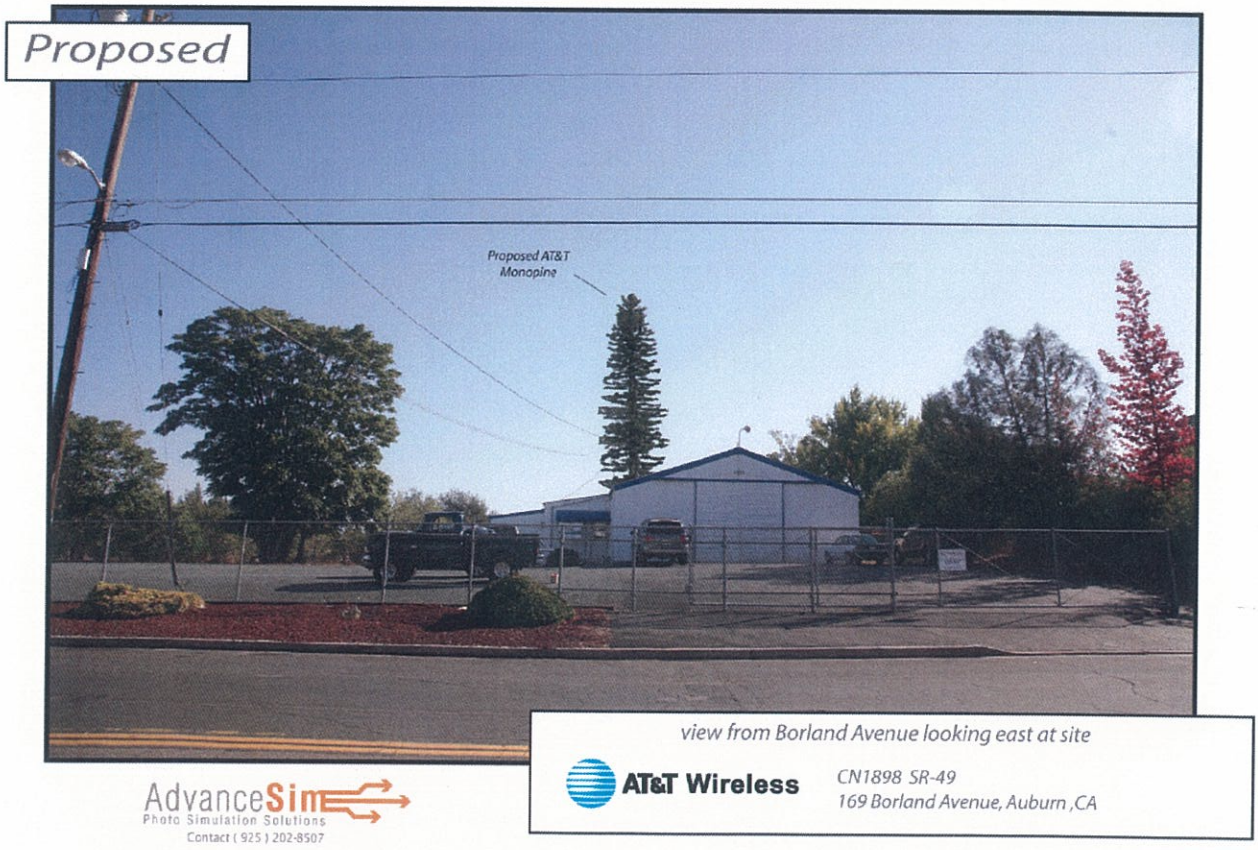
**Exhibit B** – City Council Staff Report dated January 10, 2011 with the following Attachments and Exhibits:
**Attachment 1** – Excerpt City Council Minutes dated November 8, 2010
**Attachment 2** – Continuance Request by AT&T dated November 17, 2010
**Attachment 3** – Existing Gap in Coverage Map
**Attachment 4** – Gap in Coverage AT&T is Trying to Fill Map
**Attachment 5** – AT&T's Proposed Borland Avenue Coverage Area
**Attachment 6** – 1125 Lincoln Way (AT&T Landline Switch) Site Coverage Map
**Attachment 7** – 649 Lincoln Way (Community 1st Bank)
**Attachment 8** – 155 Borland Avenue (Del & Joe's Body Shop) Photo-Simulations
**Attachment 9** – Robie Drive Site Coverage Map
**Attachment 10** – 275 Orange Street (Placer High School Light Pole) Site Coverage Map
**Attachment 11** – Existing Sites Near Search Ring Map
**Attachment 12** – Photographs/Photo-simulations of Approved Cellular Facilities in City of Auburn
**Attachment 13** – Petition Received January 5, 2011

**Exhibit A-1** – City Council Staff Report dated November 8, 2010 with the following Attachments and Exhibits:
**Attachment 1** – Appeal Filed by O.C. Taylor dated September 16, 2010 with Press Release submitted November 2, 2010
**Attachment 2** – Vicinity Map
**Attachment 3** – Aerial Photograph
**Attachment 4** – Zoning Map
**Attachment 5** – Site Photographs
**Attachment 6** – Project Plans
**Attachment 7** – Photo-simulations
**Attachment 8** – Search Ring
**Attachment 9** – Radio Frequency Analysis Prepared by Evan Wappel dated September 29, 2009
**Attachment 10** – Adopted Planning Commission Minutes dated February 2, 2010
**Attachment 11** – Draft Planning Commission Minutes dated September 7, 2010
**Attachment 12** – Correspondence Submitted by O.C. Taylor dated September 2, 2010
**Attachment 13** – Initial Study/Negative Declaration dated January 8, 2010 with Attachments and Exhibits
**Exhibit A** – City Council Resolution No. 10-___ which includes Findings of Fact and Conditions of Approval
**Exhibit B** – Radio Frequency Analysis Prepared by Hammett & Edison, Inc. and Additional Photo-Simulations
**Exhibit C** – September 7, 2010 Planning Commission Staff Report with Attachments and Exhibits
**Exhibit D** – February 2, 2010 Planning Commission Staff Report with Attachments and Exhibit.

# ATTACHMENTS

# ALTERNATIVES ANALYSIS ATTACHMENT 1

## AT&T Wireless Facility




## 169 Borland Ave, Auburn, CA

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## *Summary*

AT&T Mobility has identified a significant gap in its 3G service in the City of Auburn. AT&T Mobility proposes to install a 78' wireless communications facility ("WCF") at 169 Borland Ave ("The Proposed Facility") as a means to fill this gap in coverage. The facility consists of nine panel antennas mounted at 70' (three antenna for each of the three sectors) and five equipment cabinets concealed from view by a proposed chain link fence with brown vinyl slats in the rear of the parcel behind an existing building. The proposed WCF is designed as a stealth pine tree and all branches, antennas, and ancillary equipment will be painted brown to match the color of the bark (see tree samples). The antennas will also have antenna socks, which are colored and textured to match the pine needles of the branches, which allow them to blend in with the branches and existing trees to the North and South. The Proposed Facility is the least intrusive means to fill the significant gap of the all the alternatives investigated by AT&T Mobility and help of the City's Planning Staff, which is set forth in this document.

## Benefits The Facility Will Bring To The Community

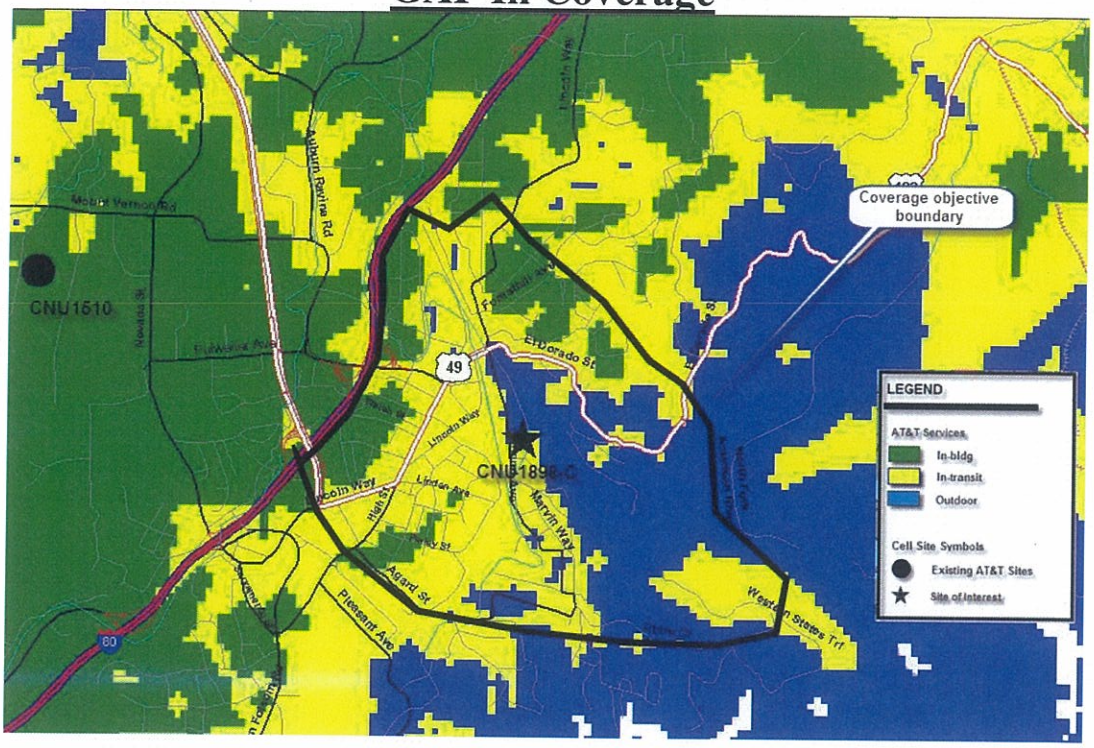
1. Provide E-911 coverage to Downtown Auburn, Business, Residential, I-80, Hwy-49, and Canyon areas.
2. Provide Businesses and their customers with in-building coverage for reliable high- speed phone, data, and internet service, so they are better able to conduct business transactions for their service to the community.
3. Provide Residential areas with reliable high-speed phone, data, and internet services, which will allow them to replace DSL/dial-up internet service and land-line telephones.
4. Provide reliable high-speed reliable phone, data, and internet service to visitors of Auburn, CA.
5. Provide reliable high-speed reliable phone, data, and internet service to I-80, Hwy-49, and the canyon areas to the Northeast, South, and Southwest.
6. Provide alternative source of communications to Fire and Police Departments during emergencies/disasters when the State Communications System for Fire and Police is overloaded.

## *Objective*

AT&T Mobility has identified a significant gap in its in-building 3G coverage in Auburn, CA, an area roughly bounded by Downtown Auburn, I-80, Hwy-49, businesses, American River Canyon, and surrounding residential areas.

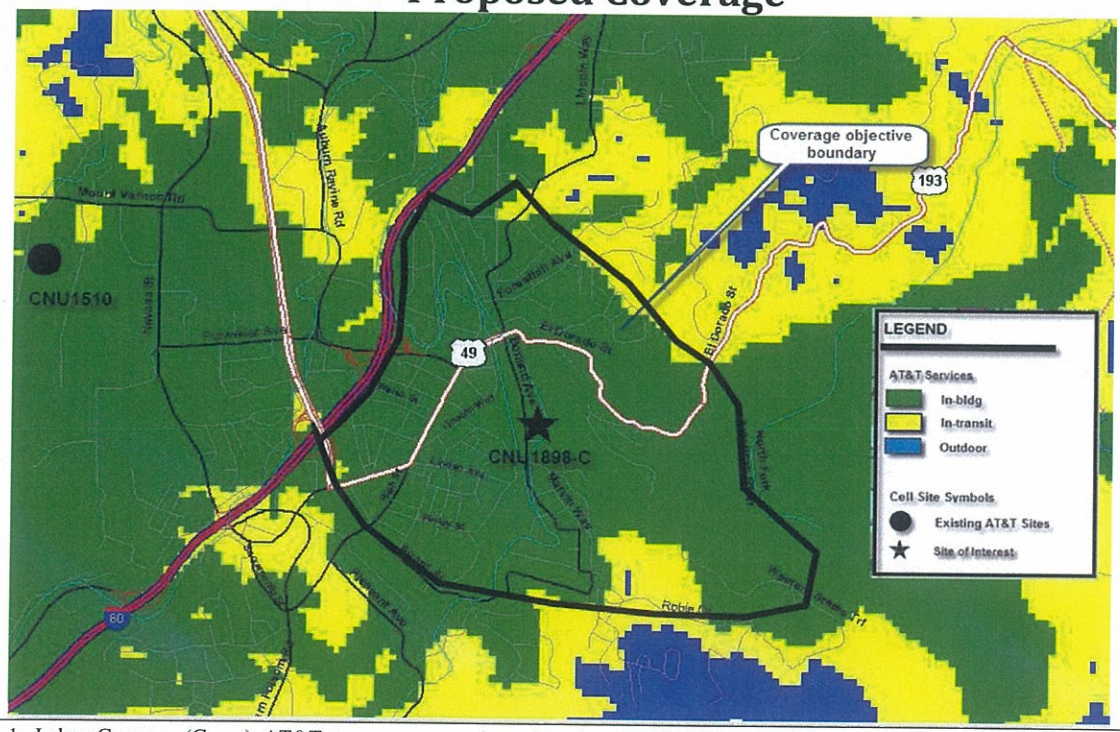
- Below is a map showing the existing gap in coverage.

# GAP In Coverage




- The proposed site located at 169 Borland Avenue will provide reliable high speed 3G in-building coverage, and will fill the Gap in coverage as shown below.

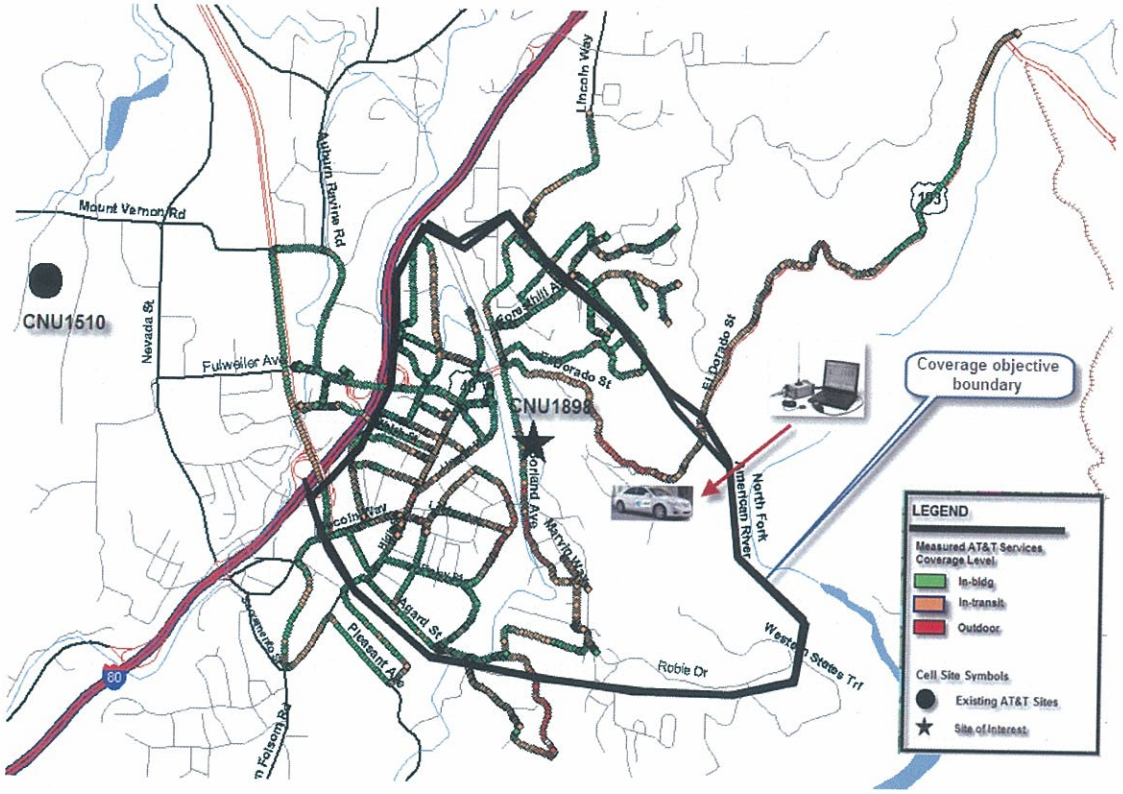
# Proposed Coverage




1. Indoor Coverage (Green): AT&T customers can make and receive calls indoors
2. In Transit Coverage (Yellow): AT&T customers can make or receive calls in a bus, train, vehicle or other above ground transportation.
3. Outdoor Coverage (Blue): AT&T customers can make and receive calls outdoors but not inside of a vehicle, public transportation or building
4. Existing AT&T Wireless communications facilities are marked with black circles

- To provide exact data showing the gap in coverage (existing coverage), AT&T's Radio Frequency Engineering performed a "Drive Test" using a special designed car to record the strength of AT&T's signal within the proposed service area, which allows AT&T's Engineer to verify if the strength of the signal is sufficient to provide good, reliable, high-speed 3G coverage to its customers.

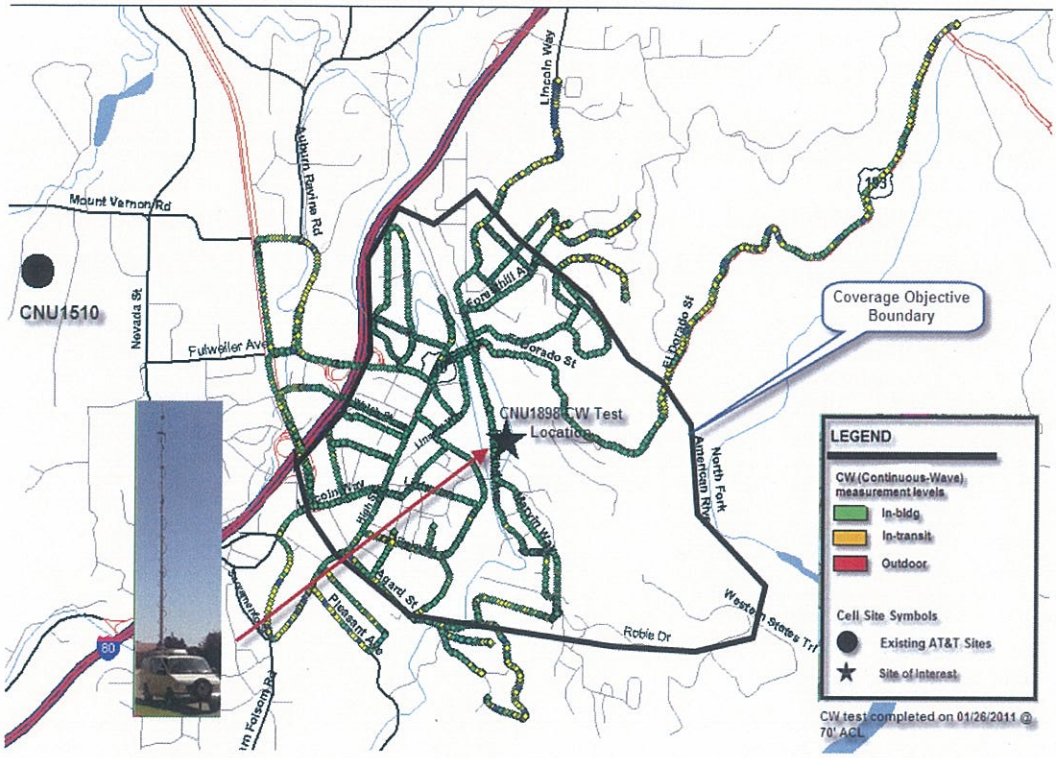
## Drive Test – Existing Gap in Coverage




Once the "Drive Test" was complete determining existing service, AT&T performed an additional "Drive Test" using a mobile wireless facility consisting of a vehicle with a telescoping pole and antennas attached, similar to equipment used by media news stations. The telescoping pole is extended to the proposed height required to achieve the operational objective. Signal strength data is collected from the signal transmitted from the mobile equipment. The data collected will determine if the coverage objective is met. Below the "Drive Test" shows the proposed site located at 169 Borland Avenue does provide in-building high speed reliable coverage within the "Coverage Objective Boundary".

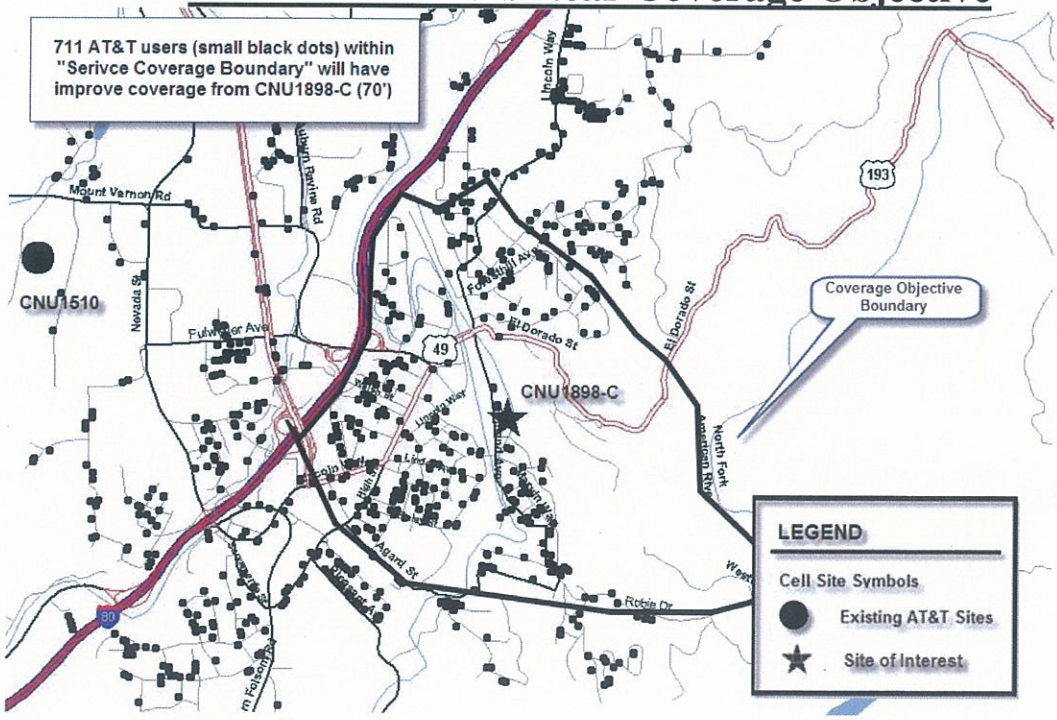
- Below are the results of the second "Drive Test" showing the coverage of the proposed site to be located at 169 Borland Avenue.

## Second Drive Test with Mock-up of Proposed Site




- Below is a map showing the location of hundreds of AT&T customers within the service area in need of reliable in-building coverage and the thousands of surrounding users who frequently visit the service area and would benefit from the improved service provided by the proposed facility.

## AT&T Customers Near Coverage Objective



## ***Methodology and Zoning Criteria***

As designed, the proposed WCF located at 169 Borland Avenue meets the City of Auburn's Municipal Code guidelines, the General Plan policies, and Planning Staff's recommendations/requirements, due to the stealth design, colors, improvements, location, and materials, which minimize esthetic impacts to the Borland Avenue, Down Town Auburn, American River Canyon, and State Highway 49 areas while providing a necessary service.

The location of a WCF to fill a significant gap in coverage is dependant upon topography, allowed land uses and development standards within designated zoning districts, existing structures, collocation opportunities, available utilities, access and a willing landlord. Wireless communications is line-of-sight technology, which requires WCFs to be in relatively close proximity to the wireless handsets to be served. The natural topographic features surrounding the City of Auburn create a gap to be filled in the Downtown, I-80, Hwy-49, American River Canyon, business and surrounding residential areas. The gap in service requires a WCF to be located in very specific area.

AT&T Mobility seeks to fill a significant gap in coverage using the least intrusive means under the values expressed in the City of Auburn Municipal Code by locating the site in the most desired zoning district for such a proposed land use possible Manufacturing/Heavy Industrial (M-2), and designing the WCF to simulate a pine tree so it integrates into the natural landscape of existing mature trees in the surrounding area.

According to the City of Auburn, the proposed facility at 169 Borland Avenue has the following land use and zoning designations:

General Plan Land Use Designation: **Industrial (IND)**
Zoning District: **M-2 (Manufacturing/Heavy Industrial)**
Existing Land Use: **Warehouse**

A wireless facility can be approved in this location if the findings contained in the following City of Auburn Municipal Code Chapters were to be made: General Plan Goal 6 and Policy 6.1; Chapter 159.037 (Zoning).

The subject property has a land use designation of Industrial (IND). An Industrial land use designation allows an array of industrial uses. Other than the City of Auburn General Plan policies, goals, and objectives that address visual resources, the General Plan does not specifically address the proposed project land use. Applicable City of Auburn General Plan policies, goals and objectives relating to visual resources include the following:

1. *Goal 6:* *Protect Visual Resources.* This goal is met by moving the proposed site to the south end of Borland Avenue to so that it is as far from Downtown Auburn as possible. Further, the proposed site location is surrounded by existing mature trees such that the monopine blends in visually with the surrounding area.

2. *Policy 6.1 Enhance and protect scenic resources visible from scenic routes in the Auburn Area.* This Policy is met by designing the WCF in the shape and color of a mature pine tree to blend with the surrounding mature pine trees in area

3. *Comply with CEQA:* Planning Staff has reviewed and evaluated the project for compliance with the CEQA and determined that the project will not have a significant environmental impact through the evaluation prepared in a Negative Declaration.

*Development Standards For M-2 Zone* –

The zoning designation for the proposed project site is Industrial (M-2) (Chapter 159.037 Zoning). M-2 zone district allows for various industrial uses. The Industrial (M-2) zone development standards identified in the Auburn Municipal Code Zoning Appendix A: District Regulations are as follows:

| STANDARD | REQUIREMENT |
|---|---|
| Front Setback | 0' min. |
| Side Setback (1-story) | 0' min. |
| Side Setback (2-story) | 0' min. |
| Side Setback (street) | 0' min. |
| Rear Setback | 0' min. |
| Building Height | 40' max. |
| Lot Coverage | 50% max. |
| Lot Width/Frontage | 80' min. |
| Lot Size | 10,000 s.f. min. |
| Parking | 1/1,000 s.f. min. |

Other than deviation from the height standard in the zone, the project complies with the City's Industrial Zoning development standards.

## Allowed Uses For M-2 Zone District:

1. Agriculture Spray Yards
2. Bulk Petroleum Storage
3. Dry Mix and Ready Concrete Mix Plants
4. Dispensary
5. Planning Mills / Sawmills
6. Truck Terminals / Repairs and Parts
7. Aggregate Storage
8. Sheet Metal Shop / Machine Shop
9. Bottling Works
10. Contractors Yard and Storage
11. Electrical Distribution Substation
12. Furniture Manufacturing
13. Research Laboratories
14. Corporation Yard
15. Animal Hospitals and kennels
16. Laundry and Dry Cleaning Plants

17. Machine Shop
16. Height limit of 40'

## Allowed Uses For M-2 Zone District With CUP/Variance:

1. Bitumen Paving Plants
2. Junk Yards and Wrecking Yards
3. Petroleum Products Manufacturing
4. Public Dump (cover and/ or fill)
5. Slaughterhouses
6. Smelting, and all uses permitted in the commercial districts.
7. *Height of Structures above 40'*

Planning staff has determined that with issueance of a CUP/Variance the proposed project is in compliance with the City of Auburn Municipal Code and recommends approval of the 169 Borland Avenue WCF as presented.

## *Alternative Sites Analysis*

Based on the foregoing parameters, AT&T Mobility investigated eight (8) alternative site locations provide evidence that the best design and location of a WCF to fill the in coverage is 169 Borland Avenue because it complies with the Municipal Code and General Plan of the City of Auburn. Three (3) of the eight (8) sites were suggested by the concerned community members.

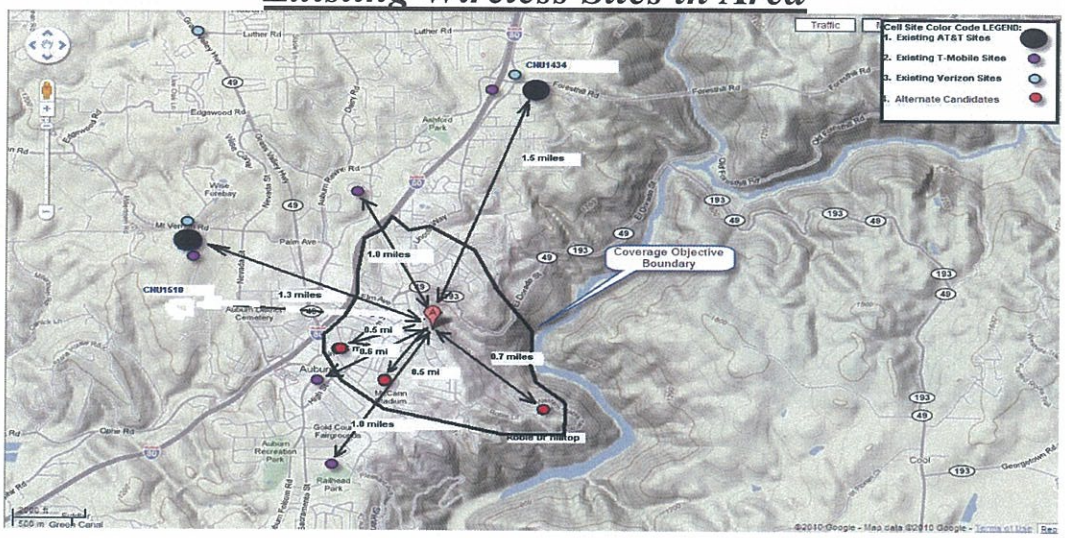
The following is an explanation and map showing the locations of all alternative site locations investigated commencing with existing sites and then new site locations:

### *Existing Wireless Facilities*

AT&T Mobility first examined ten existing wireless facilities to determine if a collocation was feasible. Below is a map depicting the 10 existing and proposed facilities near the intended coverage area. Based on reviewing the facility locations and their respective heights, AT&T Mobility engineering determined that collocation at any of these facilities will not satisfy coverage objectives due to the distance from coverage area, height and terrain. The coverage maps depicting the predicted coverage to the area of interest were created using the industry standard Radio Planning software called Atoll. This software uses the industry standard propagation model to predict and depict the radio coverage of site. The tool has been calibrated by AT&T National with an 8 dB standard deviation margin of error.

Calibration is a process where real measured signal strength are compared to the predicted signal strength over the area of interests. Then the software makes the overall adjustments to statistically achieve an overall 8 dB standard deviation for the margin of error.

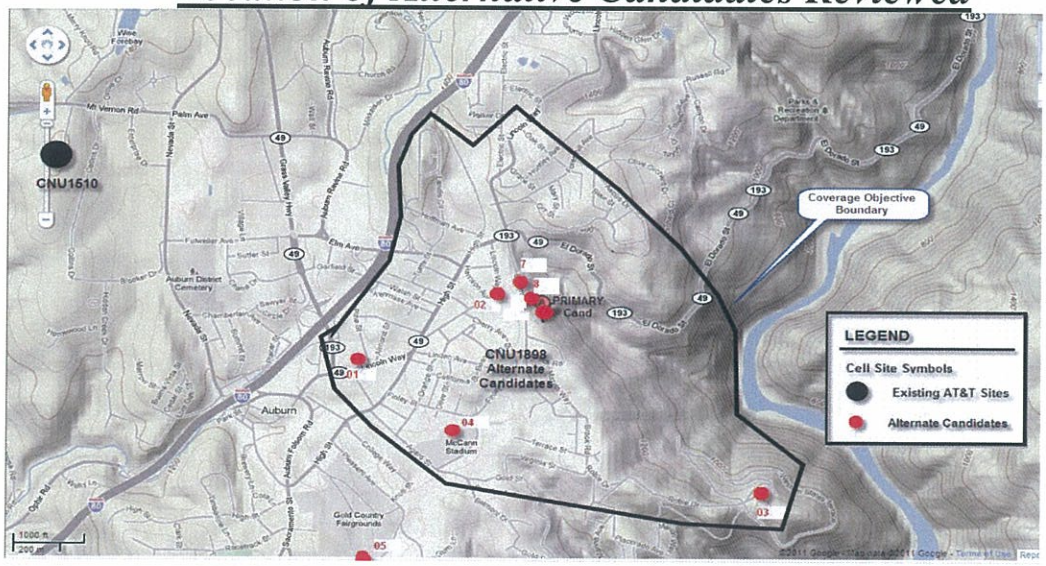
## *Existing Wireless Sites in Area*




## *Alternative Candidates Sites Reviewed*

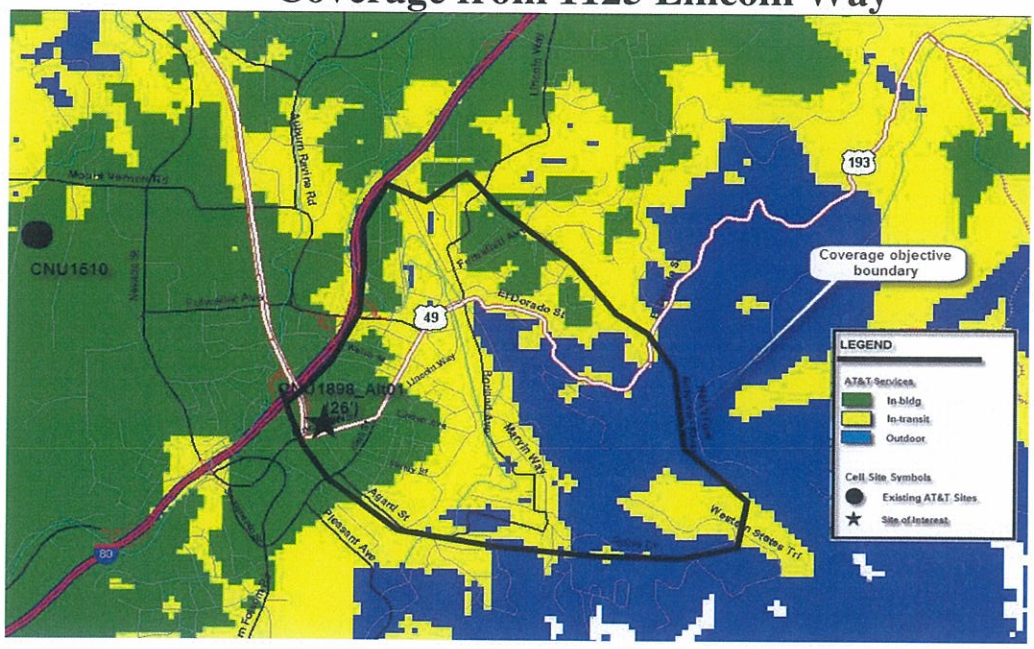
AT&T Mobility then reviewed existing buildings, light poles, and parcels as potential candidate sites that would allow AT&T Mobility to provide the needed 3G coverage. Below is a map showing the eight locations investigated. Following the map is an explanation for each alternative candidate explaining why each candidate did not meet either AT&T Mobility's coverage objective, or did not comply with the City of Auburn Municipal Code requirements.

## *Location of Alternative Candidates Reviewed*



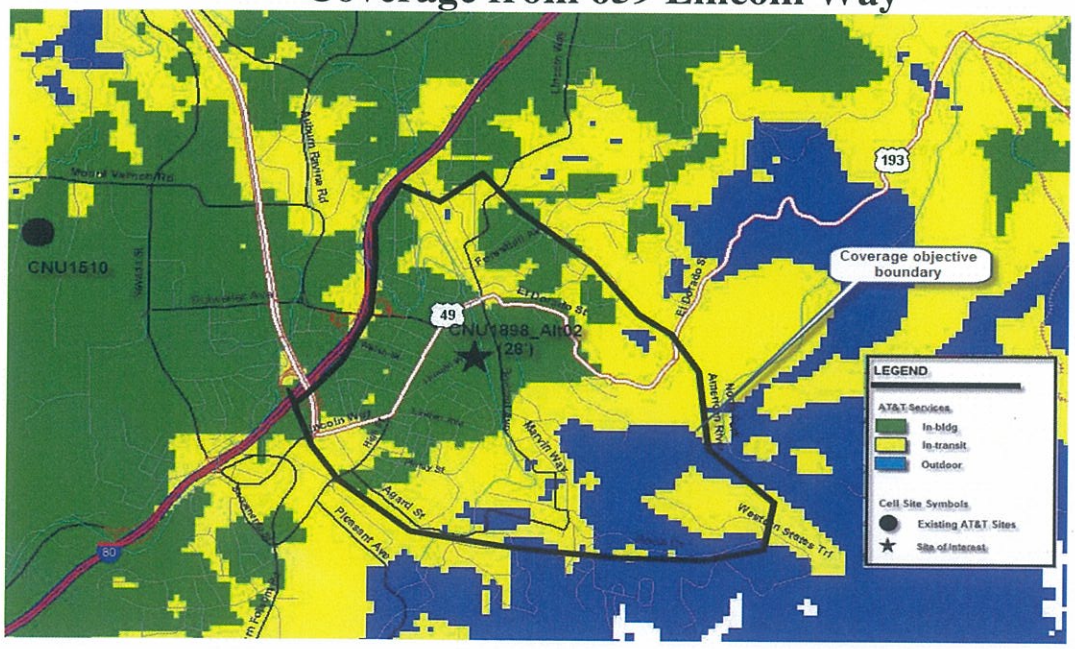

1. ***1125 Lincoln Way, Auburn, CA*** (AT&T Landline two story switch building): This location did not meet AT&T Mobility's Radio Frequency operational objectives to fill the much needed gap in coverage due to the height. The site did not provide the height needed to propagate the signal to HWY 49 (in the canyon). The height needed to provide the coverage from this location would be approximately 200'. Coverage from rooftop collocation at 1125 Lincoln Way is shown below.

## Coverage from 1125 Lincoln Way




2. ***649 Lincoln Way, Auburn CA***: (Community 1st Bank two story building) This two story rooftop location does not meet AT&T Mobility's Radio Frequency operational objective to fill it's gap in coverage due to the height of the building. The height needed to meet the coverage objectives at this location would be 150'. Coverage from a rooftop installation at 649 Lincoln Way is shown below. This location provides less coverage on I-80, residential areas and minimal coverage on HWY 49 due to the lower elevation.

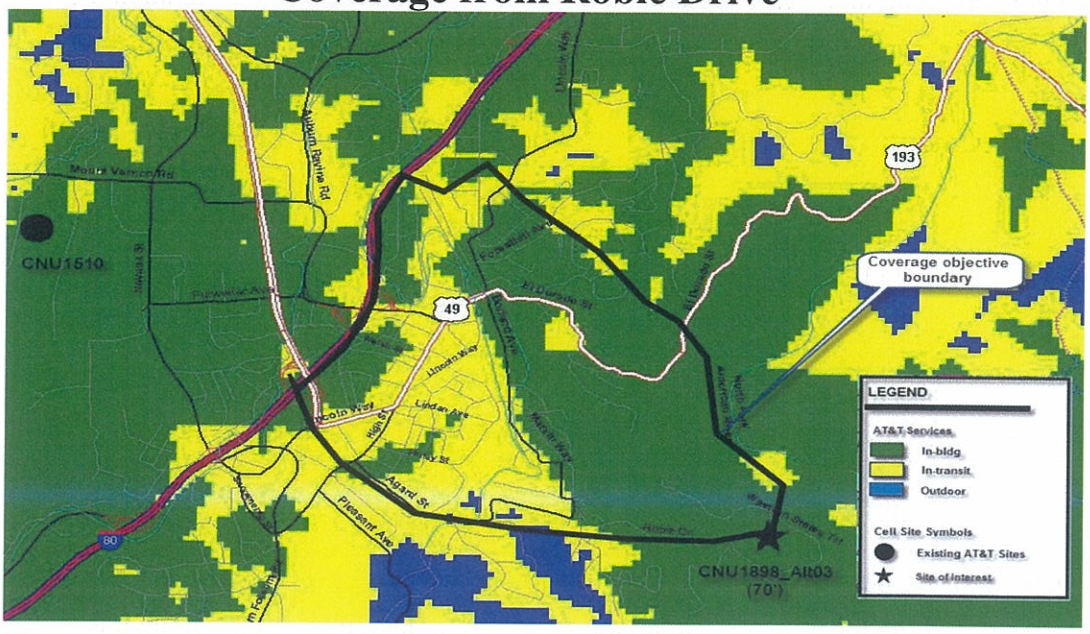
## Coverage from 659 Lincoln Way




3. ***Robie Drive*** empty parcel on the Forest Service Area: This location does not meet AT&T Mobility's Radio Frequency operational objectives to fill its gap in coverage due to the distance from the coverage area, terrain to the

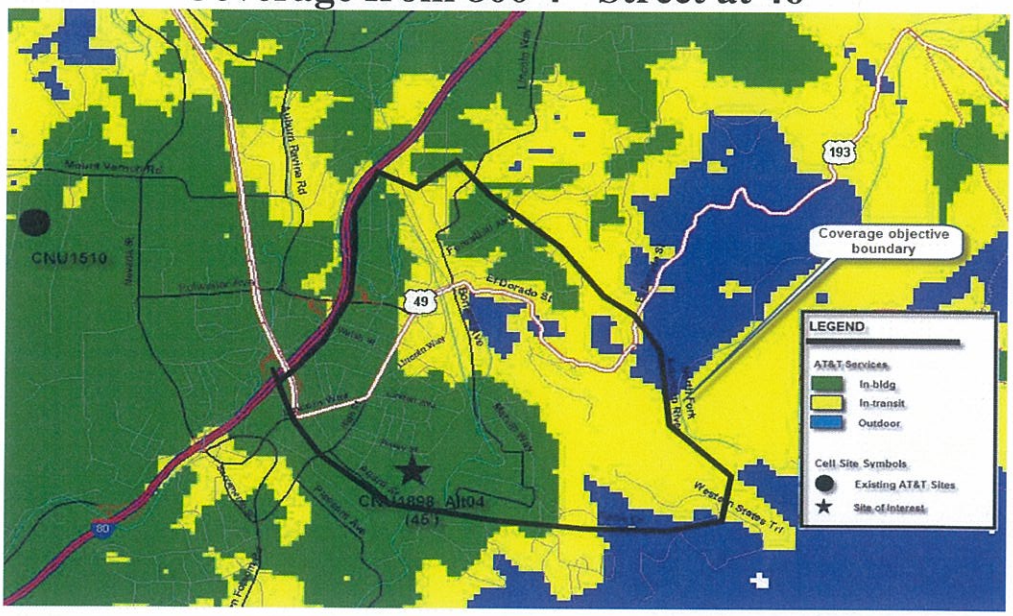
West blocking the signal, and height. Coverage from a 78' structure at Robie Drive is shown below. The proposed location at Robie Drive would provide coverage through the canyon on HWY 49, but it would not provide coverage to HWY I-80, in-building residential, or Downtown Auburn.

## Coverage from Robie Drive



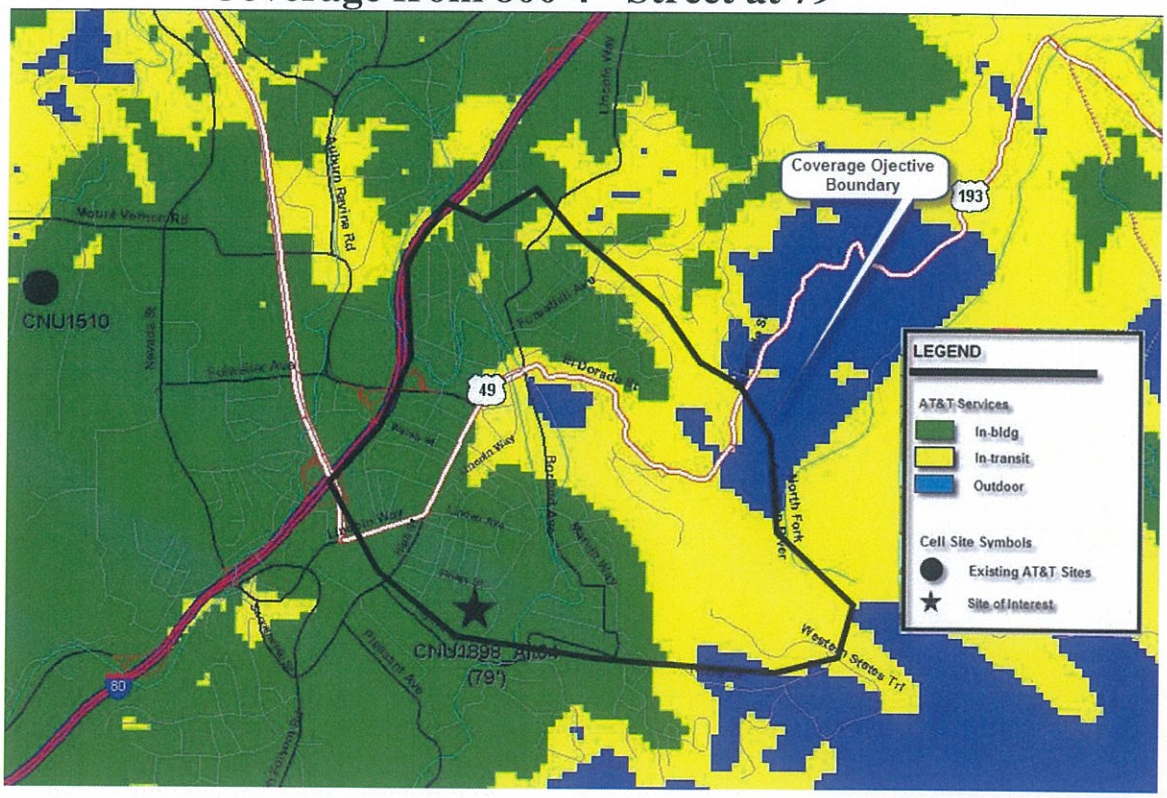

4. **800 4th Street, Auburn, CA** (Auburn High School stadium light pole): This location was evaluated as a collocation on an existing light pole at 46', with an existing carrier at the top of the light standard, and as a pole replacement with ATT installed at the top of a different light standard. This location does not meet AT&T Mobility's Radio Frequency operational objectivities to fill its gap in coverage due to the distance from the coverage area, terrain, and height. The proposed location at 46' has a significant reduction in coverage to the northeast, minimal coverage on HWY 49, and no coverage down the American River Canyon. Coverage from light pole collocation at 800 4th Street is shown below.

## Coverage from 800 4th Street at 46'



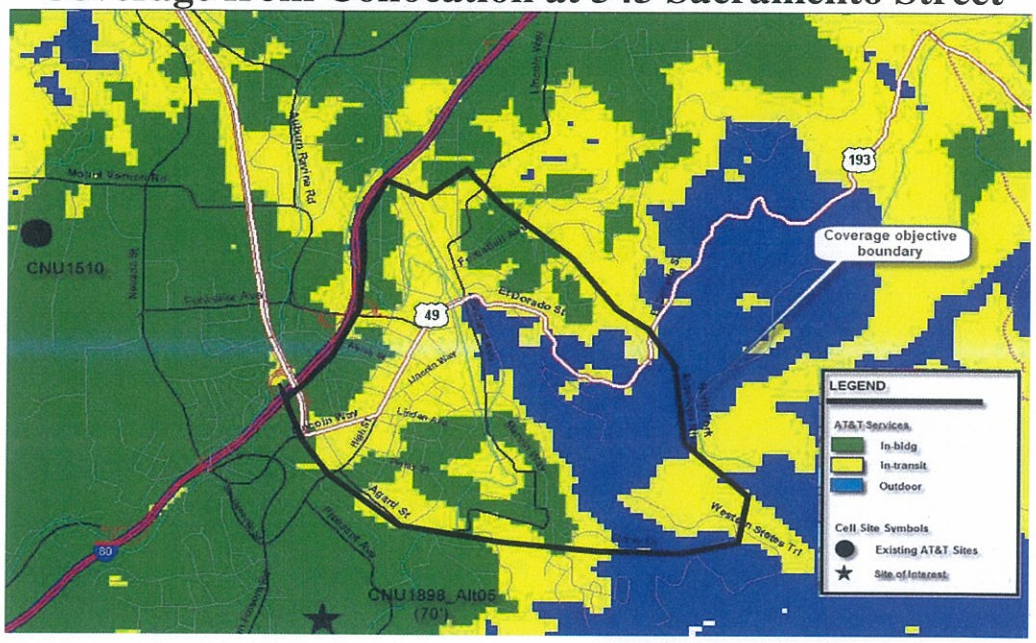

5. AT&T also evaluated the 800 4th Street location at 79', which would require a new light pole replacement. The coverage with antennas at the top of a new light standard yields an improvement of approximately 15% coverage as shown in the coverage map below, however there is a gap in coverage on Hwy 49 and to the East along the American River Canyon. This site does not provide the desired coverage because it does not provide coverage of the canyon or Highway 49

## Coverage from 800 4th Street at 79'



6. ***343 Sacramento St, Auburn, CA*** (PG&E Service Center): This location does not meet AT&T Mobility's Radio Frequency operational objectivities to fill its gap in coverage due to the distance from the coverage area, terrain, and height. It is a 180' lattice tower with an available centerline of 70' due to the existing equipment on the tower. The tower is just over 1 mile away from the proposed project site. Even if AT&T Mobility was able to locate the antennas at the top of the tower (180'), the location would not provide coverage in the American River Canyon, HWY 49, or in-building coverage to the business areas in Auburn. .

**Coverage from Collocation at 343 Sacramento Street**

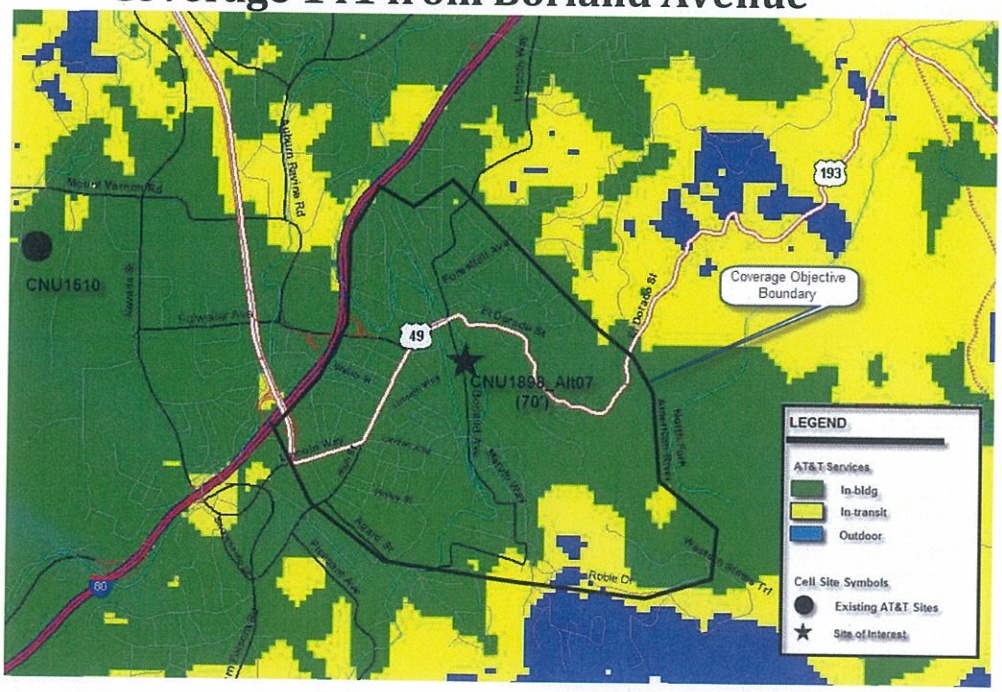



7. ***Property located on the West side of Borland Ave***, which includes MV Automotive located at 132 Borland Ave, has an underlying Union Pacific Railroad easement, which impedes AT&T Mobility from leasing and constructing a telecommunications site. All properties on the West side of Borland Ave were not an option for AT&T Mobility.

## Property Located within Railroad Easement

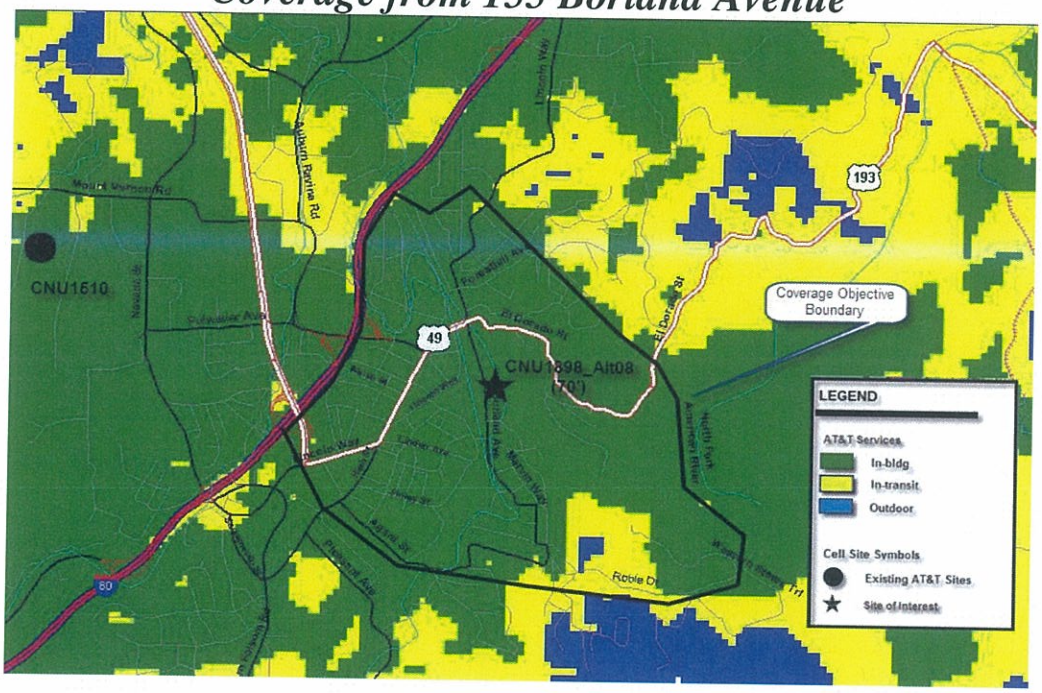

8. ***141 Borland Ave*** (empty parcel): While the coverage provided is acceptable, this location does not provide vegetation (i.e.tall trees) or buildings, which help screen the visibility from downtown Old Auburn or Hwy 49. As such, this location does not meet the City of Auburn General Plan objectivities to "Protect Visual Resources" and "Enhance and protect scenic resources visible from scenic routes in the Auburn Area" as well as the proposed site. The WCF would also be close to Borland Avenue street frontage and would be seen from downtown Old Auburn.

## Coverage 141 from Borland Avenue



9. ***155 Borland Ave*** (Del & Joe's): Planning staff recommended that a proposed site be relocated to the southern portion of Borland Avenue behind a building and near existing trees to reduce a potential visual impact. This candidate location is at the Northern end of Borland Avenue. While this location meets the coverage objective, the WCF would be close to Borland Ave street front due to the width of the parcel and the slope on the east side, and it would be visible from downtown Old Auburn, and surrounding parcels.
   As such, this location does not meet the City of Auburn General Plan objectivities to "Protect Visual Resources" and "Enhance and protect scenic resources visible from scenic routes in the Auburn Area" as well as the proposed site.

***Coverage from 155 Borland Avenue***

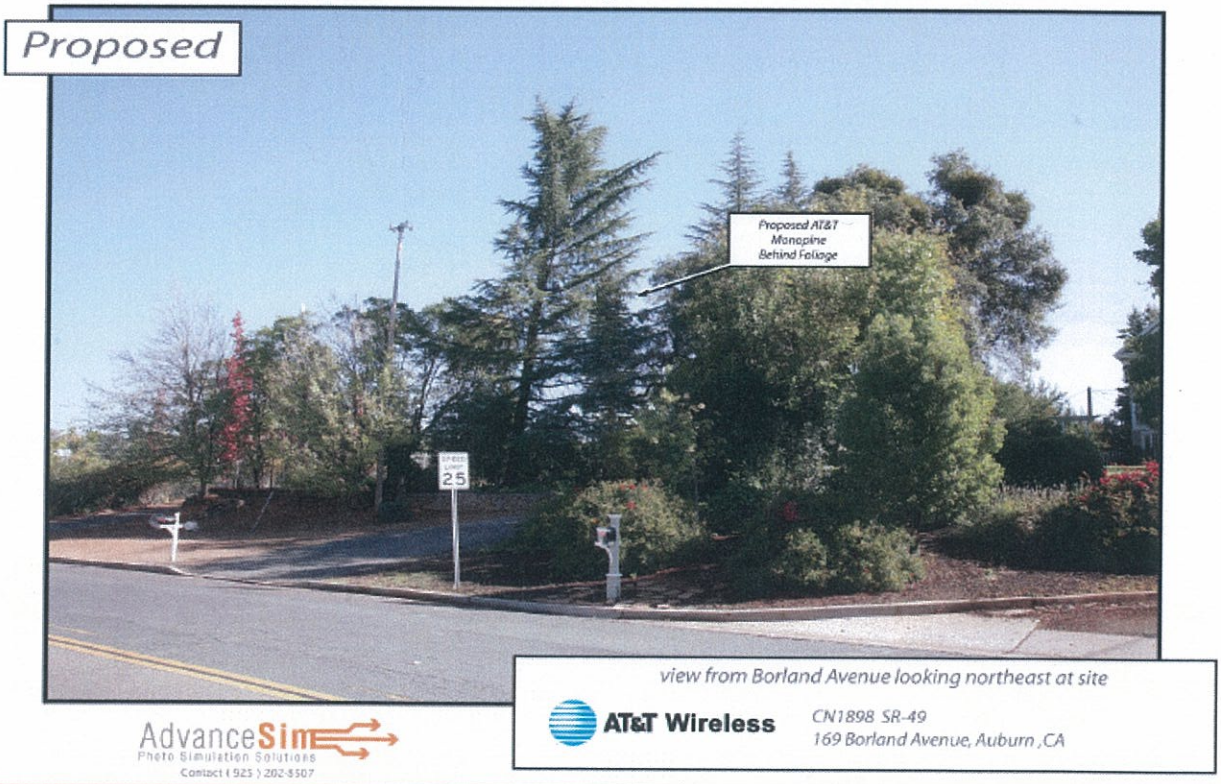



- Please see the photo-simulation comparisons of 155 Borland Avenue and 169 Borland Avenue below to see the difference in visual appearance.

# Photo-Simulation Looking North at 155 and 169 Borland Avenue

## Photo-Simulation Looking North at 155 Borland Avenue


## Photo-Simulation Looking North at Proposed WCF 169 Borland Avenue




# Photo-Simulation Looking East From Downtown at

# 155 Borland Avenue and 169 Borland Avenue

**Photo-Simulation Looking East From Downtown to 155 Borland Avenue**

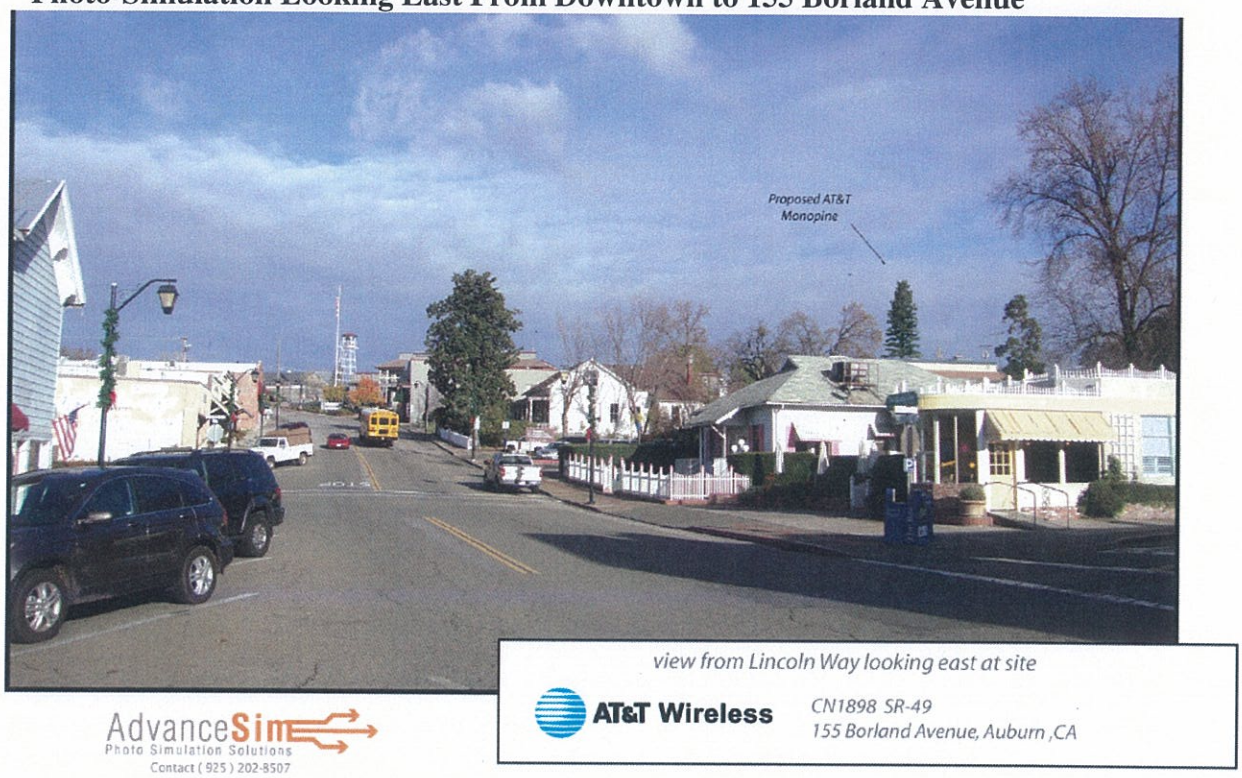
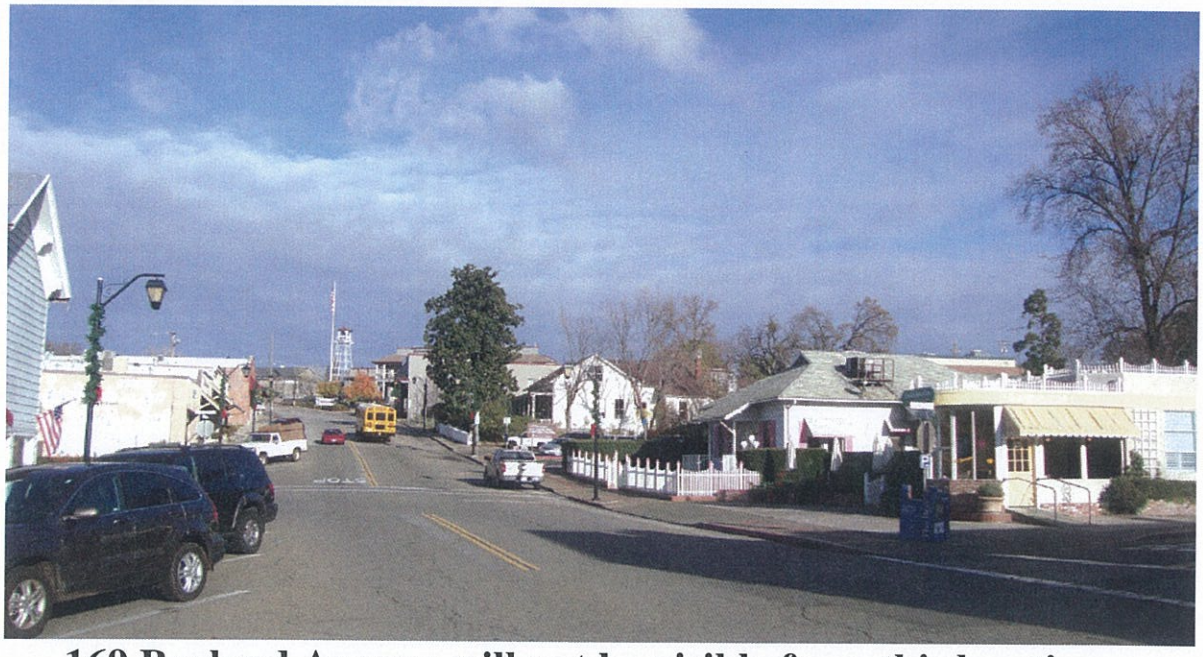



**Photo-Simulation Looking East From Downtown to Proposed WCF at 169 Borland Avenue**



**169 Borland Avenue will not be visible from this location**

# Photo-Simulations from I-80 Exit Looking Southeast at 155 Borland Avenue and 169 Borland Avenue

**Photo-Simulation from I-80 Exit Looking SE at 155 Borland Ave**

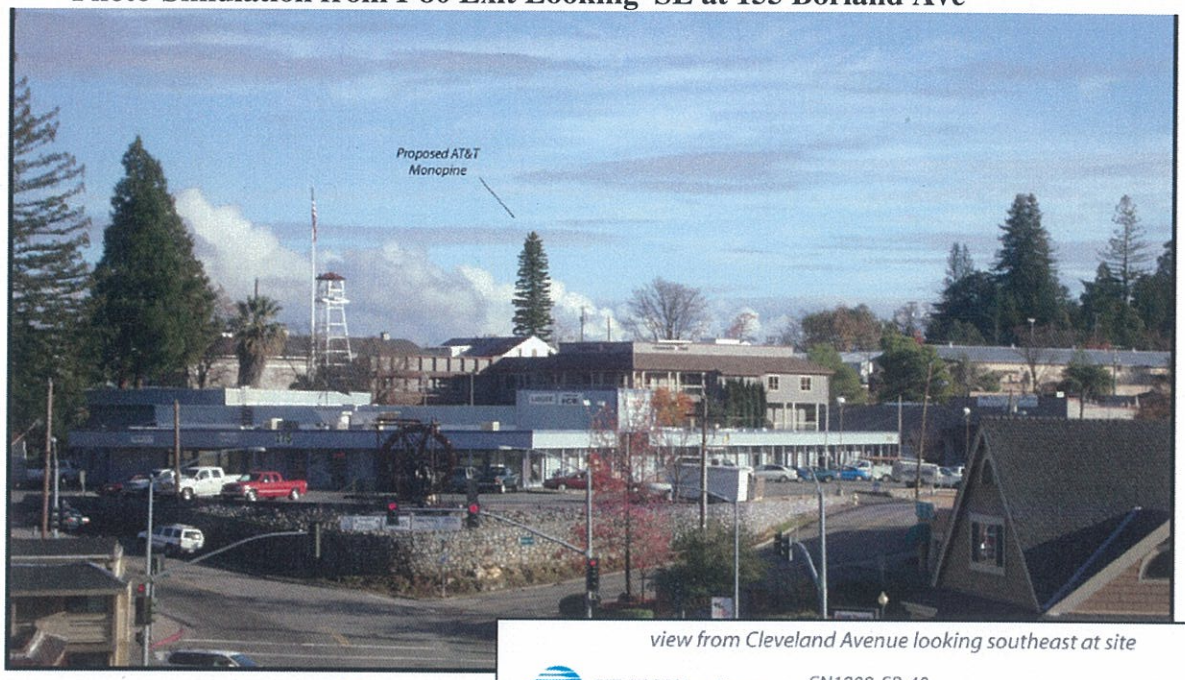
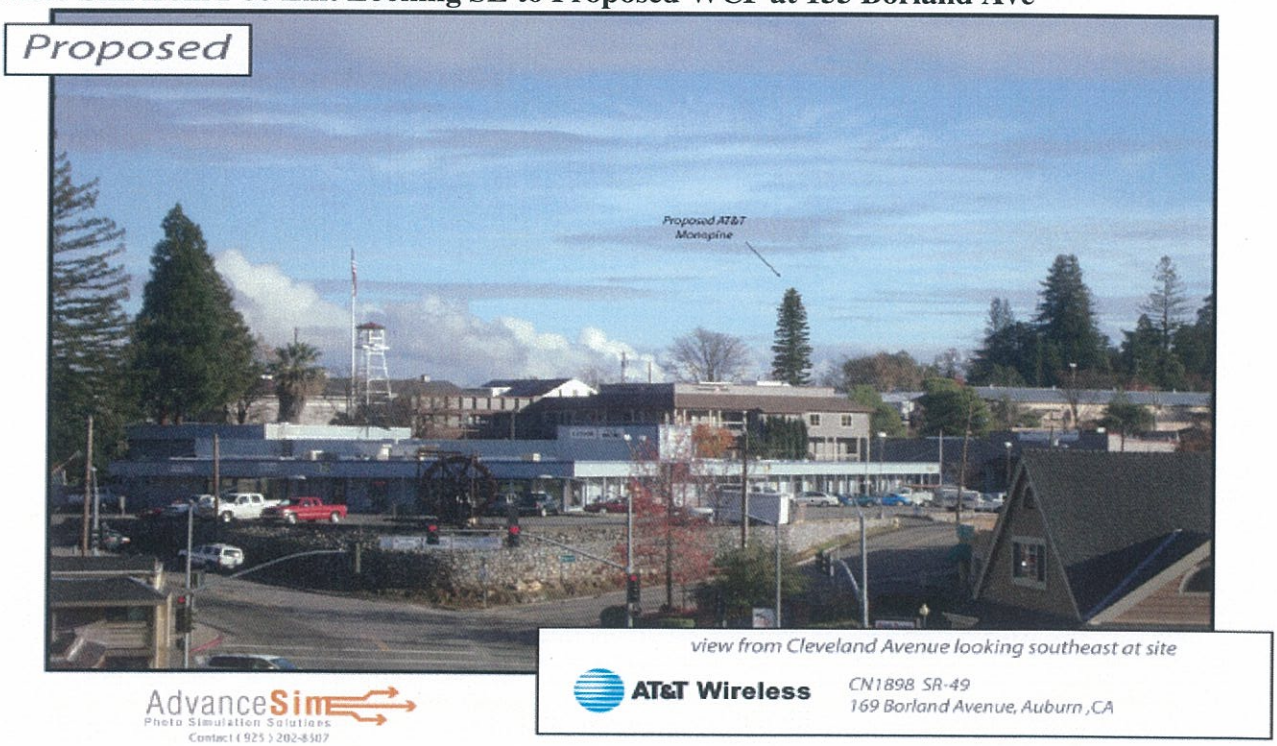



**Photo-Sim from I-80 Exit Looking SE to Proposed WCF at 155 Borland Ave**




## *Conclusion*

Based on the foregoing analysis, the Proposed Facility at 169 Borland Avenue constitutes the least intrusive means to fill the significant gap in AT&T 3G coverage based upon the values expressed in the City of Auburn Municipal Code. In compliance with those values and goals, the Proposed Facility will be designed to simulate a pine tree utilizing stealth and camouflage techniques, landscaping, existing building(s), with the intent to blend with mature trees, and vegetation in the surrounding area to minimize potential visual impacts to less than siginifcant.

## Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of AT&T Mobility, a personal wireless telecommunications carrier, to evaluate the base station (Site No. CN1898C) proposed to be located at 169 Borland Avenue in Auburn, California, for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields.

### Executive Summary

AT&T proposes to install directional panel antennas on a new pole, configured to resemble a pine tree, to be installed behind the one-story commercial building located at 169 Borland Avenue in Auburn. The proposed operation will, both singly and together with other base stations that might collocate at the site, comply with the FCC guidelines limiting public exposure to RF energy.

### Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission ("FCC") evaluate its actions for possible significant impact on the environment. A summary of the FCC's exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

| Wireless Service | Frequency Band | Occupational Limit | Public Limit |
|---|---|---|---|
| Microwave (Point-to-Point) | 5,000–80,000 MHz | 5.00 $mW/cm^2$ | 1.00 $mW/cm^2$ |
| BRS (Broadband Radio) | 2,600 | 5.00 | 1.00 |
| AWS (Advanced Wireless) | 2,100 | 5.00 | 1.00 |
| PCS (Personal Communication) | 1,950 | 5.00 | 1.00 |
| Cellular | 870 | 2.90 | 0.58 |
| SMR (Specialized Mobile Radio) | 855 | 2.85 | 0.57 |
| 700 MHz | 700 | 2.35 | 0.47 |
| [most restrictive frequency range] | 30–300 | 1.00 | 0.20 |

### General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called "radios" or "channels") that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky.

Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. Along with the low power of such facilities, this means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

## Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna's radiation pattern is not fully formed at locations very close by (the "near-field" effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the "inverse square law"). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

## Site and Facility Description

Based upon information provided by AT&T, including construction drawings by PDC Corporation, dated October 14, 2010, it is proposed to install nine Kathrein Model 800-10765 directional panel antennas on a new 73-foot steel pole, configured to resemble a pine tree, to be installed behind the one-story commercial building located at 169 Borland Avenue in Auburn. The antennas would be mounted with up to 4° downtilt at an effective height of about 70 feet above ground and would be oriented in groups of three at about 120° spacing, to provide service in all directions. The maximum effective radiated power in any direction would be 7,170 watts, representing simultaneous operation at 4,960 watts for PCS and 2,210 watts for cellular.

It is possible that other carriers may wish to locate similar antennas at lower heights on the pole. For the limited purpose of this study, it is assumed that the following typical transmitting facilities are installed, as well:

| Service | Maximum ERP | Antenna Model | Downtilt | Height |
|---|---|---|---|---|
| PCS | 1,500 watts | Andrew RR9017 | 2° | 57 ft |
| SMR | 1,500 | Andrew DB844G65 | 2 | 57 |
| PCS | 640 | Antel BXA-185063/12 | 2 | 47 |
| Cellular | 1,200 | Antel BXA-80063/8 | 2 | 47 |
| 700 MHz | 400 | Antel BXA-70063/8 | 2 | 47 |

## Study Results

The maximum calculated RF exposure level at various locations, due to the proposed AT&T operation by itself and due to the simultaneous operation of AT&T and the hypothetical facilities described above, are noted in the table below. It should be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels from the proposed operations.

| Location | Maximum Calculated RF Exposure | |
|---|---|---|
| | AT&T | Cumulative |
| Ground | 0.76% | 1.3% |
| Second-floor, any building | 1.1% | 2.0% |
| Property line to south | 0.65% | 0.98% |
| Second property line to south | 0.26% | 0.77% |
| Third property line to south | 0.18% | 0.94% |

## No Recommended Mitigation Measures

Due to their mounting locations, the antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that the AT&T and other carriers will, as FCC licensees, take adequate steps to ensure that their employees or contractors comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

## Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the base station proposed by AT&T Mobility at 169 Borland Avenue in Auburn, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

## Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2011. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.


William F. Hammett, P.E.
707/996-5200

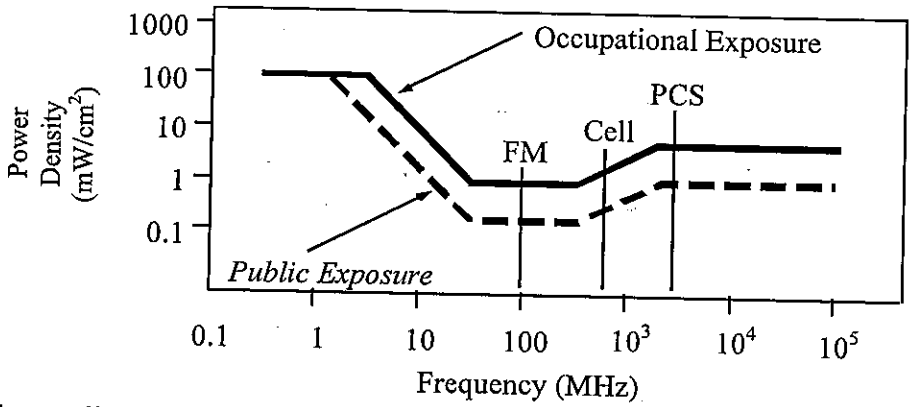
March 16, 2011

## FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

| Frequency | Electromagnetic Fields (f is frequency of emission in MHz) | | | | | |
|---|---|---|---|---|---|---|
| Applicable Range (MHz) | Electric Field Strength (V/m) | | Magnetic Field Strength (A/m) | | Equivalent Far-Field Power Density ($mW/cm^2$) | |
| 0.3 – 1.34 | 614 | *614* | 1.63 | *1.63* | 100 | *100* |
| 1.34 – 3.0 | 614 | *823.8/f* | 1.63 | *2.19/f* | 100 | *180/$f^2$* |
| 3.0 – 30 | 1842/ f | *823.8/f* | 4.89/ f | *2.19/f* | 900/ $f^2$ | *180/$f^2$* |
| 30 – 300 | 61.4 | *27.5* | 0.163 | *0.0729* | 1.0 | *0.2* |
| 300 – 1,500 | $3.54\sqrt{f}$ | *$1.59\sqrt{f}$* | $\sqrt{f}/106$ | *$\sqrt{f}/238$* | f/300 | *f/1500* |
| 1,500 – 100,000 | 137 | *61.4* | 0.364 | *0.163* | 5.0 | *1.0* |




Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.

## RFR.CALC™ Calculation Methodology

### Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

**Near Field.**

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in $mW/cm^2$,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in $mW/cm^2$,

where $\theta_{BW}$ = half-power beamwidth of the antenna, in degrees, and
$P_{net}$ = net power input to the antenna, in watts,
D = distance from antenna, in meters,
h = aperture height of the antenna, in meters, and
$\eta$ = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

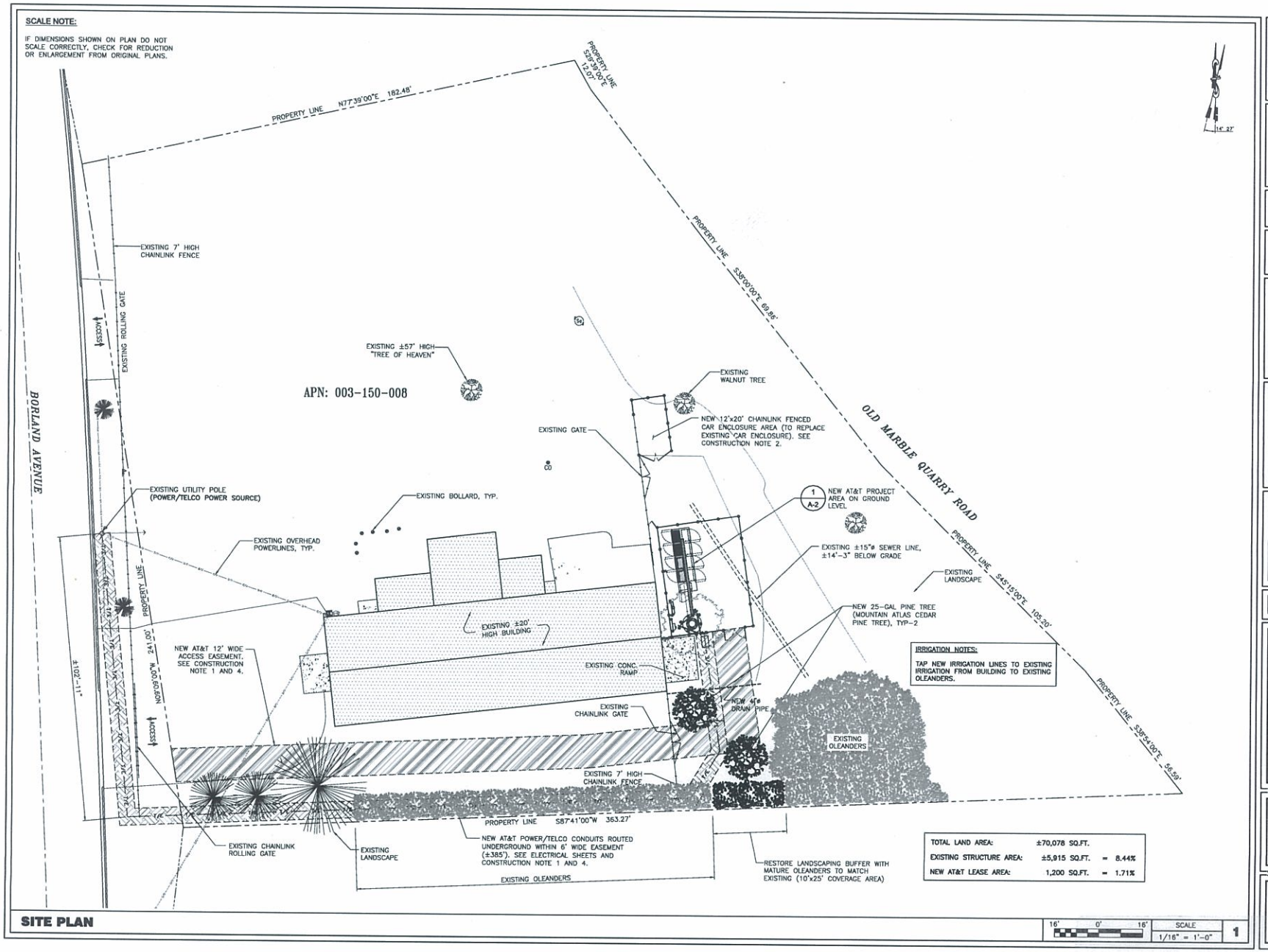
**Far Field.**

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

$$\text{power density } S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}, \text{ in } mW/cm^2,$$

where ERP = total ERP (all polarizations), in kilowatts,
RFF = relative field factor at the direction to the actual point of calculation, and
D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.




at&t
4430 ROSEWOOD DR.
PLEASANTON, CA 94588

PROJECT INFORMATION:

**CN1898C**

**SR-49**

169 BORLAND AVENUE
AUBURN, CA 95603

CURRENT ISSUE DATE:

03/10/11

ISSUED FOR:

100% CONSTRUCTION DRAWING

| REV.: | DATE: | DESCRIPTION: | BY: |
|---|---|---|---|
| 0 | 03/21/10 | 100% CONSTRUCTION DRAWING | RSD |
| 1 | 05/12/10 | LYLE COMMENTS | RSD |
| 2 | 08/18/10 | PLAN CHECK COMMENTS | RSD |
| 3 | 10/14/10 | PLAN CHECK COMMENTS | RSD |
| 4 | 03/10/11 | ADDED LANDSCAPING | RSD |

PLANS PREPARED BY:

PDC CORPORATION
1062 CONCANNON BLVD.
LIVERMORE, CA 94550
TEL: (925) 606-5868

CONSULTANT:

LYLE
3140 GOLD CAMP DR, SUITE 30
RANCHO CORDOVA, CA 95670

| DRAWN BY: | CHK.: | APV.: |
|---|---|---|
| JHM | PP | SAS |

LICENSER:

SHEET TITLE:

**SITE PLAN**

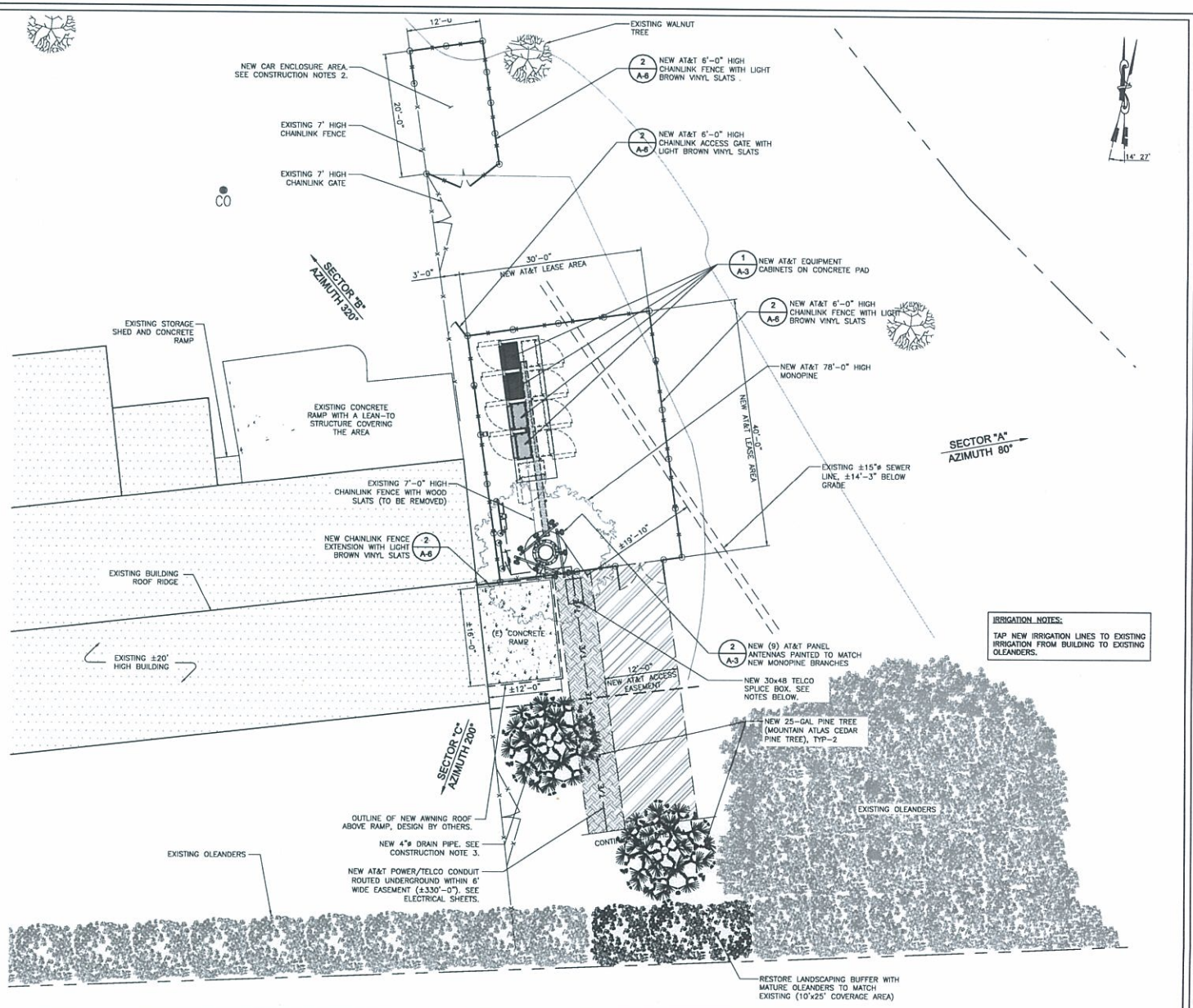
SHEET NUMBER:

**A-1**

**ATTACHMENT 3**

**SCALE NOTE:**

IF DIMENSIONS SHOWN ON PLAN DO NOT SCALE CORRECTLY, CHECK FOR REDUCTION OR ENLARGEMENT FROM ORIGINAL PLANS.




**ENLARGED SITE PLAN**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RANCHO CORDOVA, CA 95670


| DRAWN BY: | CHK.: | APV.: |
|---|---|---|
| JHM | PP | SAS |

LICENSER:

SHEET TITLE:

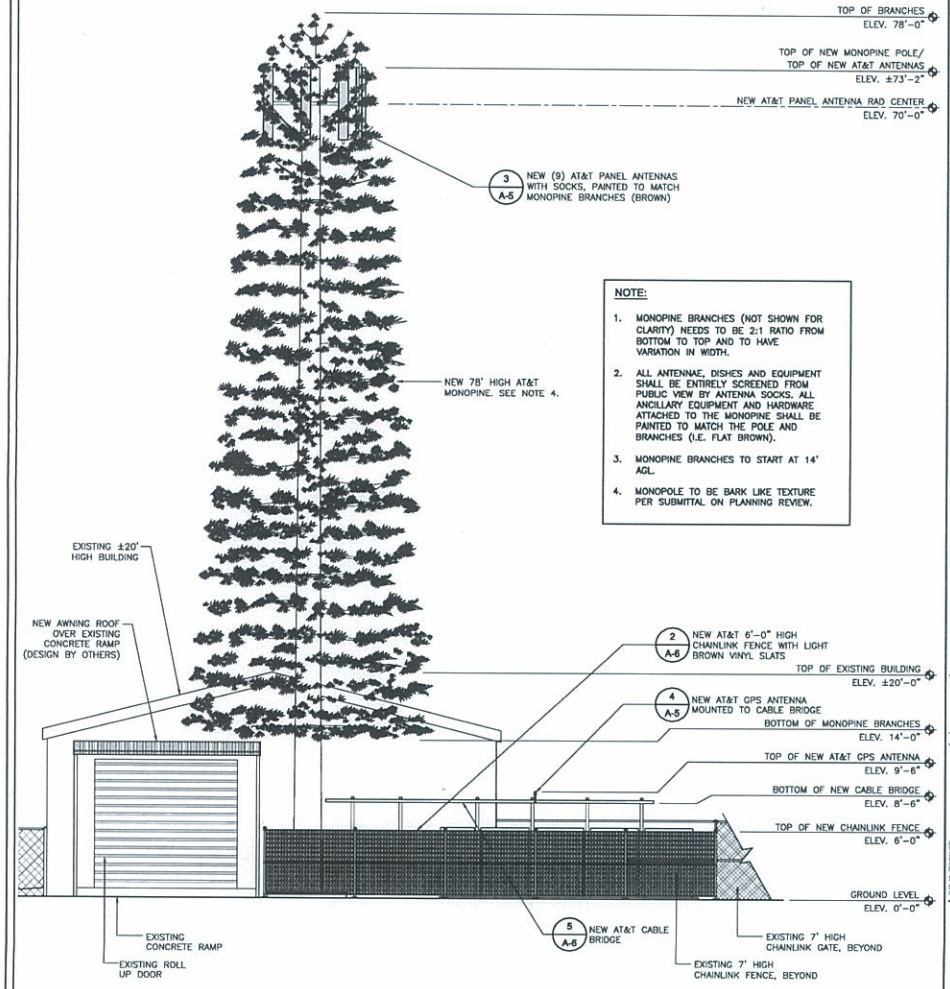
**ENLARGED SITE PLAN**

SHEET NUMBER:

**A-2**

**SCALE NOTE:**

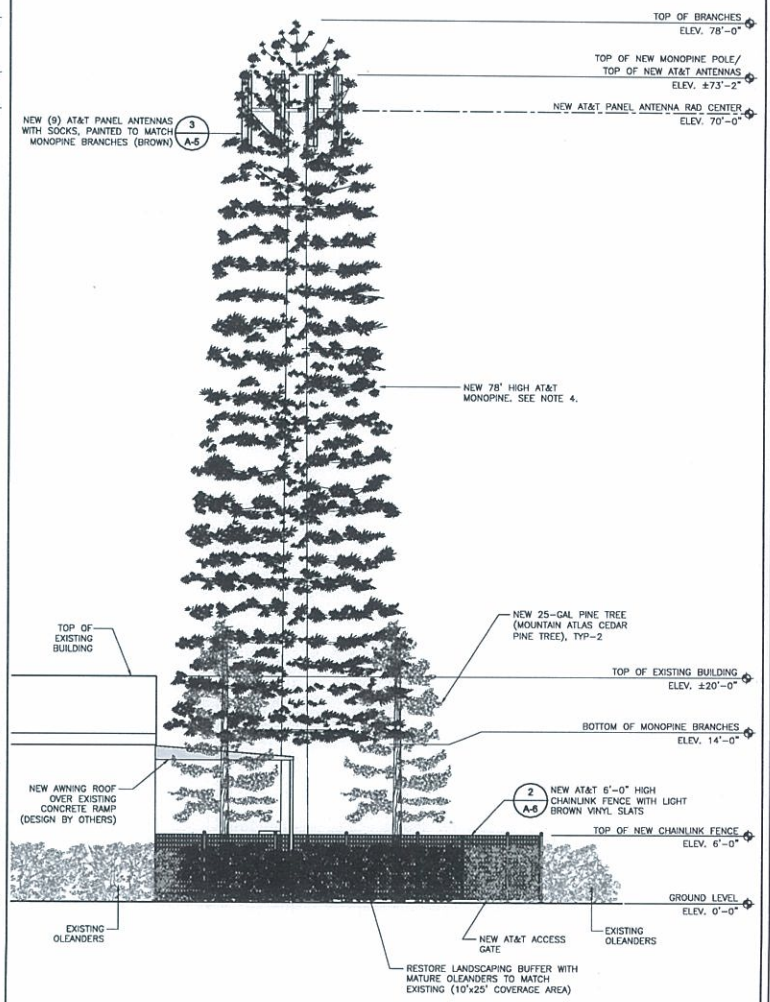
IF DIMENSIONS SHOWN ON PLAN DO NOT SCALE CORRECTLY, CHECK FOR REDUCTION OR ENLARGEMENT FROM ORIGINAL PLANS.




**NOTE:**

1. MONOPINE BRANCHES (NOT SHOWN FOR CLARITY) NEEDS TO BE 2:1 RATIO FROM BOTTOM TO TOP AND TO HAVE VARIATION IN WIDTH.
2. ALL ANTENNAE, DISHES AND EQUIPMENT SHALL BE ENTIRELY SCREENED FROM PUBLIC VIEW BY ANTENNA SOCKS. ALL ANCILLARY EQUIPMENT AND HARDWARE ATTACHED TO THE MONOPINE SHALL BE PAINTED TO MATCH THE POLE AND BRANCHES (I.E. FLAT BROWN).
3. MONOPINE BRANCHES TO START AT 14' AGL.
4. MONOPOLE TO BE BARK LIKE TEXTURE PER SUBMITTAL ON PLANNING REVIEW.

**EAST ELEVATION** — 4' 0' 4' 8' — SCALE 3/16" = 1'-0" — 1




**SOUTH ELEVATION** — 4' 0' 4' 8' — SCALE 3/16" = 1'-0" — 2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| DRAWN BY: | CHK.: | APV.: |
|---|---|---|
| JHM | PP | SAS |

LICENSER:

SHEET TITLE:

**ELEVATIONS**

SHEET NUMBER:

**A-4**

**SCALE NOTE:**

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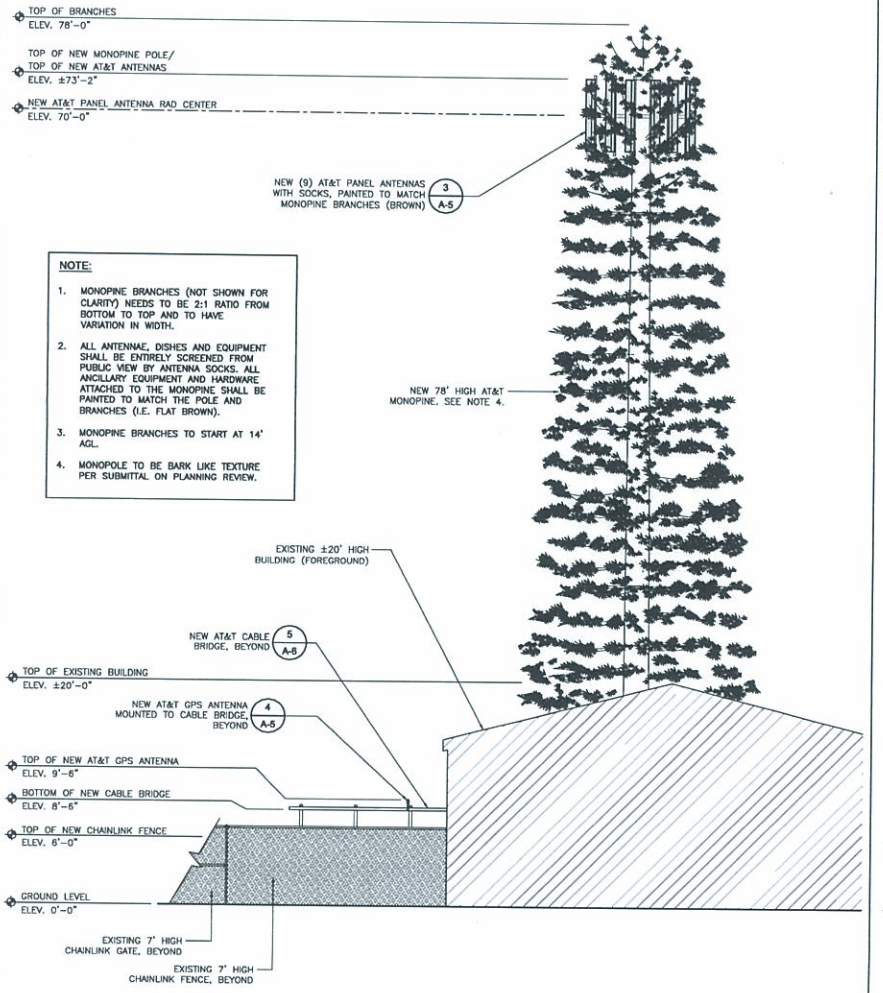


**NOTE:**

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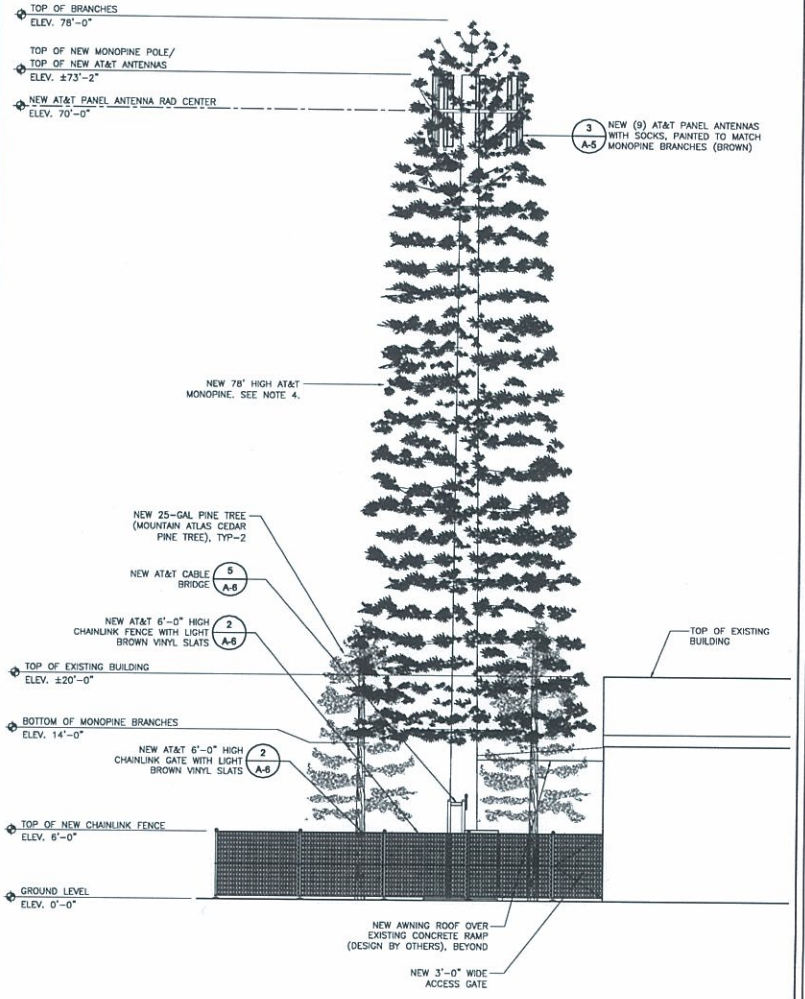
2. ALL ANTENNAE, DISHES AND EQUIPMENT SHALL BE ENTIRELY SCREENED FROM PUBLIC VIEW BY ANTENNA SOCKS. ALL ANCILLARY EQUIPMENT AND HARDWARE ATTACHED TO THE MONOPINE SHALL BE PAINTED TO MATCH THE POLE AND BRANCHES (I.E. FLAT BROWN).
3. MONOPINE BRANCHES TO START AT 14' AGL.
4. MONOPOLE TO BE BARK LIKE TEXTURE PER SUBMITTAL ON PLANNING REVIEW.

**WEST ELEVATION** — SCALE 3/16" = 1'-0" — 1




**NORTH ELEVATION** — SCALE 3/16" = 1'-0" — 2


at&t
4430 ROSEWOOD DR.
PLEASANTON, CA 94588


PROJECT INFORMATION:

**CN1898C**
**SR-49**
169 BORLAND AVENUE
AUBURN, CA 95603

CURRENT ISSUE DATE:
03/10/11

ISSUED FOR:
100% CONSTRUCTION DRAWING

| REV. | DATE: | DESCRIPTION: | BY: |
|---|---|---|---|
| 0 | 03/21/10 | 100% CONSTRUCTION DRAWING | RSD |
| 1 | 05/12/10 | LYLE COMMENTS | RSD |
| 2 | 08/18/10 | PLAN CHECK COMMENTS | RSD |
| 3 | 10/14/10 | PLAN CHECK COMMENTS | RSD |
| 4 | 03/10/11 | ADDED LANDSCAPING | RSD |

PLANS PREPARED BY:


PPC CORPORATION
1062 CONCANNON BLVD.
LIVERMORE, CA 94550
TEL: (925) 606-5868


CONSULTANT:


LYLE
3140 GOLD CAMP DR, SUITE 30
RANCHO CORDOVA, CA 95670


| DRAWN BY: | CHK.: | APV.: |
|---|---|---|
| JHM | PP | SAS |

LICENSER:

SHEET TITLE:
**ELEVATIONS**

SHEET NUMBER:
**A-4.1**

ATTACHMENT

**ATTACHMENT 4 –**
PROVIDED UNDER SEPARATE COVER

# EXHIBIT

**EXHIBIT A**

CITY COUNCIL RESOLUTION NO. 10-___

A RESOLUTION ADOPING THE ENVIRONMENTAL DOCUMENT AND DENYING AN APPEAL THEREBY APPROVING A VARIANCE FOR A MONOPINE IN THE INDUSTRIAL (M-2) ZONE LOCATED AT 169 BORLAND AVENUE (VA 09-04)

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THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. The City Council held a properly noticed, public hearing at its regular meeting of November 8, 2010, January 10, 2011 and March 28, 2011, to consider an appeal by Mr. O.C. Taylor of the Planning Commission's approval of a Height Variance Extension for a 78-foot monopine in the Industrial (M-2) Zone located at 169 Borland Avenue (VA 09-04).

SECTION 2. The City Council has considered all of the evidence submitted at the public hearing which includes, but is not limited to:

1. Staff report prepared by the Community Development Department for the February 2, 2010 and September 7, 2010, Planning Commission meetings.

2. Staff report prepared by the Community Development Department for the November 8, 2010, January 10, 2011 and March 28, 2011, City Council meeting.

3. Project plans, Photo-Simulations, Search Ring, Radio Frequency analysis and Alternative Site Analysis prepared for the project.

4. Initial Study/Negative Declaration prepared by the Community Development Department dated January 7, 2010

5. Staff presentation at the public hearing held on November 8, 2010,January 10, 2011 and March 28, 2011.

6. Public Comments, both written and oral, received at or before the public hearing, supporting or opposing the appellant's request.

7. All related documents received or submitted at or prior to the public hearing.

8. The City of Auburn General Plan, Subdivision Ordinance, Zoning Ordinance, and all other applicable regulations and codes.

SECTION 3. In review of all of the foregoing evidence, the City Council finds the following:

1. The City Council, on the basis of the whole record before it (including the Initial Study and any comments received) finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Initial Study/Negative Declaration reflects the lead agency's independent judgment and analysis.

2. The City Council has determined that the Negative Declaration is the appropriate level of environmental review for the proposed project.

3. The City Council has further determined that the granting of the variance will not be inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated for the following reasons:

a. Cellular Facilities are a permitted use on the Industrial (M-2) Zone subject to height and setback requirements. Telecommunication towers and related facilities have been sited elsewhere in the City and on existing utility poles in the City, with variance approvals.

b. The granting of the variance is consistent with prior variance approvals for cellular facilities on other properties and districts in the City.

4. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings; the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity in the same district for the following reasons:

a. Based upon evidence at the public hearing, there is a shortage in cellular coverage in the eastern Auburn and American River Canyon areas, particularly for E-911 emergency services. Due to the topography of the area and cellular service needed, it is not feasible to provide the needed service to the area without an antenna that exceeds the height permitted by the City's Industrial Zone;

b. Section 404 of the Telecommunications Act of 1996 contains provisions regarding the siting of antennae and towers for wireless services. Although the Act maintains local authority over such siting, it prohibits local governments from unreasonably discriminating among personal wireless service providers or prohibiting the provision of such cellular service, particularly where cellular service is needed.

c. The project is consistent with the City of Auburn's past approvals of wireless antennae and towers; the Telecommunications Act of 1996; and, Federal Communication Commission (FCC) Standards for the siting of wireless facilities;

d. All documents and materials to the proceedings for the Borland Avenue Monopine are maintained in the City of Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.

Section 4. In review of all the evidence and based on the foregoing findings and conclusions, the City Council hereby:

1. Adopts the Negative Declaration prepared for the Height Variance (VA 09-04) subject to the revised Conditions of Approval attached herewith as **Attachment 1**; and,

2. Denies the appellant's appeal thereby affirming the Planning Commission's approval of the Borland Avenue Monopine Variance (VA 09-04).

Section 5. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall

certify to the adoption of this resolution, transmit copies of the same to the appellant, the applicant and their respective counsel, if any, together with a proof of mailing in the form required by law and shall enter a certified copy of this resolution in the book of resolutions of the City.

DATED: March 28, 2011

William W. Kirby, M.D., Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City of Auburn held on the 28th day of March by the following vote on roll call:

Ayes:
Noes:
Absent:

Joseph G. R. Labrie, City Clerk

**ATTACHMENT 1**

# PLANNING COMMISSION RESOLUTION NO. 10-01
# BORLAND AVENUE VARIANCE (FILE VA 09-4)

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**Section 1.** The City of Auburn Planning Commission held a public hearing at its regular meeting of February 2, 2010, to consider a request for a Variance by AT&T Wireless for a proposed 78 foot monopine cellular tower (File VA 09-4).

**Section 2. The City of Auburn Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:**

1. Agenda report prepared by the Community Development Department for the February 2, 2010 meeting.
2. Site plan and project description submitted by the applicant.
3. Staff presentation at the public hearing held on February 2, 2010.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.
6. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes.

**Section 3. In view of all the evidence and based on the foregoing findings, the City of Auburn Planning Commission finds the following for the reasons stated in the staff report presented to the Commission on February 2, 2010:**

The findings of fact for the Borland Avenue Height Variance are as follows:

1. The Planning Commission, on the basis of the whole record before it (including the Initial Study and any comments received), finds that there is no substantial evidence that the project will have a significant effect on the environment. The Negative Declaration reflects the lead agency's independent judgment and analysis.
2. The Planning Commission has determined that the Negative Declaration was prepared in accordance with CEQA and the CEQA Guidelines.
3. All documents and materials relating to the proceedings for the Borland Avenue Height Variance are maintained in the City of Auburn Community Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603.

**Section 4. In view of all the foregoing evidence, the City of Auburn Planning Commission finds the following:**

1. The granting of the variance will not be inconsistent with the limitations upon other properties in the vicinity and district in which the property is situated; and,
2. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity in the same district.

**Section 5. In view of all of the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission hereby approves the Height Variance for the proposed 78 foot monopine (File VA 09-4) located at 169 Borland Avenue, subject to the following conditions (*Note: Planning Commission added Conditions of Approval are shown in Bold/Italic Text*):**

1. The project is approved subject to **Exhibit C, Materials Sample Board** and **Photo Simulations** on file with the Community Development Department. Minor modifications may be approved subject to review and approval by the Community Development Director.

2. The project plans (Sheets A-4 and A-4.1) shall be revised to reflect the Photo Simulations prepared for the project, ***which illustrates a dense canopy and natural pine tree taper from bottom to top.*** Specifically, the plans shall be revised so that the branches have variation in length and shall have a minimum of 2:1 width ratio from the bottom of the monopine to the top of the monopine (i.e. if the length of the branches at the top is 7 feet than the bottom of the branches shall be a **minimum** of 14 feet).

3. The variance shall be effectuated within six (6) months and shall become null and void on August 2, 2010 unless an extension is requested and granted from the Planning Commission.

4. In accordance with the RF Study prepared for the project, the applicant shall satisfy the following conditions to the satisfaction of the Community Development Director:

   a. For personnel who work within 11 feet of the face of the antenna, a training program in exposure to RF fields shall be completed. Maintenance of personnel should be instructed to contact the appropriate carrier prior to working in front of an antenna.
   b. A standard blue AT&T Mobility "RF Notice" sign shall be posted at the base of the tower.

5. The applicant shall cooperate with the City to facilitate shared use of the tower and/or site and shall not unreasonably refuse to share the tower and the site with other antenna owners or operators. In particular, the applicant's refusal to all co-location on the tower and/or the site for a fair market rent of an antenna or antennae shall be deemed a violation of this condition, unless the applicant can demonstrate by evidence satisfactory to the City that the antenna or antennae to be co-located would interfere with the operation of the applicant's antenna or antennae or exceed the capacity of the structure or the site. ***Future co-location lessees shall comply with the screening and other conditions of approval contained herein.***

6. The applicant shall obtain the necessary Building, Mechanical, and Electrical Permits from the Building Division.

7. The project shall be constructed and be operated in compliance with all Federal and State laws, City of Auburn Codes and City Engineering Design Specifications and Standards.

8. Prior to approval of Improvement Plans, the Community Development Department shall verify the following notations have been included on the Improvement Plans: The developer shall be responsible for keeping public rights of ways clean of silt, dirt, mud, and debris, and shall "wet broom" the streets if silt, dirt, mud or debris is carried over to adjacent public rights of ways. Dry mechanical sweeping is prohibited.

9. Prior to approval of Improvement Plans, the Community Development Department shall verify the following notations have been included on the Improvement Plans: The developer shall suspend all grading operations when wind speeds (including instantaneous gusts) exceed 25 miles per hour and dust is impacting adjacent properties.

10. Prior to approval of Improvement Plans, the Community Development Department shall verify the following notations have been included on the Grading Plans: All on-site stationary equipment which is classified as 50 HP or greater shall either obtain a state issued portable equipment permit or a Placer County APCD issued portable equipment permit.

11. All construction activities shall be limited to the hours allowed by Title 9, Chapter 93 of the Auburn Municipal Code.

    a. The performance of any construction, alteration or repair activities which require the issuance of any building, grading, or other permit shall occur only during the following hours:

        i. Monday through Friday: 7:00 a.m. to 6:00 p.m. for the period of June 1 through September 30 of each year, the permissible hours for masonry and roofing work shall be from 6:00 a.m. to 6:00 p.m.;
        ii. Saturdays: 9:00 a.m. to 5:00 p.m.;
        iii. Sundays and observed holidays: 10:00 a.m. to 6:00 p.m.

    b. Any noise from the above activities, including from any equipment, shall not produce noise levels in excess of the following:

        i. Saturdays: 80 dba when measured at a distance of twenty-five (25') feet;
        ii. Sundays and observed holidays: 70 dba when measured at a distance of twenty-five (25') feet.

    c. The Building Official may grant a permit for building activities during other time periods for emergency work or extreme hardship. "Emergency work" shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger. Any permit issued by the Building Official shall be of specified limited duration and shall be subject to any conditions necessary to limit or minimize the effect of any noise.

12. If artifacts, exotic rock or unusual amounts of shell or bone are uncovered during the construction of any improvements, work shall immediately stop in that area immediately

and a qualified cultural resource specialist shall be contracted to evaluate the deposit. If bone is found that may be human, state law requires the same actions plus notifying the County Coroner and the Native American Heritage Commission, Sacramento.

13. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this use permit, or the activities conducted pursuant to this use permit. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this use permit, or the activities conducted pursuant to this use permit. Applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

14. ***All antennae, dishes and equipment shall be entirely screened from public view by antenna socks.***

15. ***All ancillary equipment and hardware attached to the monopine shall be painted to match the pole and branches (i.e. flat brown).***

**Section 6.** **In view of all the evidence and based on the foregoing findings and conclusions, the City of Auburn Planning Commission, upon motion by Commissioner Snyder and seconded by Commissioner Vitas, hereby approves the Variance for a 78 foot monopine and related utilities (File VA 09-4), subject to the conditions listed above and carried by the following vote:**

**AYES:** **Snyder, Worthington, Vitas, Young, and Spokely**
**NOES:**
**ABSENT:**
**ABSTAIN:**

**PASSED AND ADOPTED** this 2nd day of February, 2010.

Chairman, Planning Commission
of the City of Auburn, California

ATTEST:
Community Development Department